

DISPOSITION: September 5, 1952. Default decree of condemnation and destruction.

19434. Misbranding of canned tomatoes. U. S. v. 798 Cases * * *. (F. D. C. No. 33591. Sample No. 41754-L.)

LIBEL FILED: September 12, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 1, 1952, by A. W. Sisk & Son, from Preston, Md.

PRODUCT: 798 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Le Anda Tomatoes With Added Tomato Juice Packed by Walter T. Andrews & Son Cambridge, Maryland U. S. A."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the article contained excessive tomato peel and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 12, 1952. Walter T. Andrews & Son, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

19435. Adulteration of tomato juice. U. S. v. 393 Cases * * *. (F. D. C. No. 33237. Sample Nos. 27249-L, 38610-L.)

LIBEL FILED: May 8, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 20, 1952, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 393 cases, each containing 48 5½-ounce cans, of tomato juice at New York, N. Y.

LABEL, IN PART: "Sacramento Brand California Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

DISPOSITION: October 9, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion and the destruction of the unfit portion under the supervision of the Federal Security Agency. 354 cases and 120 cans of the product were salvaged, and 30 cases and 36 cans were destroyed.

19436. Adulteration of tomato juice. U. S. v. 80 Cases * * *. (F. D. C. No. 33262. Sample Nos. 49197-L, 49198-L.)

LIBEL FILED: May 21, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about December 28, 1951, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 80 cases, each containing 48 5½-ounce cans, of tomato juice at Lyndhurst, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.)

DISPOSITION: October 27, 1952. The shipper, claimant, having withdrawn its claim, judgment of condemnation and destruction was entered.

19437. Adulteration of tomato juice. U. S. v. 11 Cases * * * (and one other seizure action). (F. D. C. Nos. 33452, 33453. Sample Nos. 29663-L, 29664-L.)

LIBELS FILED: On or about July 8, 1952, District of Montana.

ALLEGED SHIPMENT: On or about October 12, 1951, and February 28, 1952, by the Pacific Fruit & Produce Co., from Oakland, Calif.

PRODUCT: 11 cases, each containing 48 5½-ounce cans, of tomato juice at Bozeman, Mont., and 48 cases, each containing 48 5½-ounce cans, of tomato juice at Butte, Mont.

LABEL, IN PART: (Can) "Standby Fancy Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22, 1952. Default decrees of condemnation. The court ordered that the marshal deliver the product to the State hospital, for use as animal feed; that if the product was not accepted by the hospital, that the marshal deliver it to some similar public institution; and that if no such institution would accept it, that it be destroyed.

NUTS AND NUT PRODUCTS

19438. Adulteration of shelled peanuts. U. S. v. 7 Bags * * *. (F. D. C. No. 33555. Sample No. 3548-L.)

LIBEL FILED: August 26, 1952, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about May 28, 1952, from Hawkinsville, Ga.

PRODUCT: 7 120-pound bags of shelled peanuts at Dunn, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1952. Default decree of condemnation and destruction.

19439. Adulteration of pistachio nuts. U. S. v. 18 Bags, etc. (F. D. C. No. 33554. Sample Nos. 37215-L, 37216-L.)

LIBEL FILED: August 25, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1952, from Italy and Iran.

PRODUCT: 29 150-pound bags of pistachio nuts at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of decomposed nuts; and it was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1952. Joseph A. Zaloom & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for