

ALLEGED SHIPMENT: On or about February 13, 1954, by the Taormina Co., from Donna, Tex.

PRODUCT: 48 cases, each containing 24 cans, of black-eyed peas at New Orleans, La.

LABEL, IN PART: (Can) "Deer Fresh Shelled Black-Eyed Peas Contents 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing an excessive amount of water as a packing medium had been substituted in whole or in part for canned black-eyed peas.

DISPOSITION: May 6, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

TOMATOES AND TOMATO PRODUCTS

21337. Adulteration of canned tomatoes. U. S. v. 842 Cases * * *. Tried to the court and jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 34495. Sample No. 55535-L.)

LIBEL FILED: December 15, 1952, Western District of New York; amended libel filed May 8, 1953.

ALLEGED SHIPMENT: On or about October 8 and 20, 1952, by the O. M. Brown Canning Co., from Elwood, Ind.

PRODUCT: 842 cases, each containing 24 unlabeled cans, of tomatoes at Albion, N. Y.

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

DISPOSITION: O. M. Brown Packing Co., Inc., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the claimant and the Government served interrogatories upon each other, which were answered. The case came on for trial before the court and jury on June 3, 1954, and was concluded on June 8, 1954, with the return of a verdict for the Government. On June 23, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

21338. Adulteration of canned tomatoes. U. S. v. 998 Cases * * *. (F. D. C. No. 36136. Sample No. 59481-L.)

LIBEL FILED: November 23, 1953, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 14, 1953, by A. W. Sisk & Son, from Richmond, Va.

PRODUCT: 998 cases, each containing 24 cans, of tomatoes at Griffin, Ga.

LABEL, IN PART: (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Ozs. * * * Packed By Belmont Canning Co. Threeway, Va."

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

DISPOSITION: January 5, 1954. Default decree of condemnation and destruction.

21339. Adulteration of tomato juice. U. S. v. 89 Cases * * *. (F. D. C. No. 36138. Sample No. 45771-L.)

LIBEL FILED: November 23, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 17, 1953, by H. E. Kelley & Co., Inc., from New Church, Va.

PRODUCT: 89 cases, each containing 12 cans, of tomato juice at Boston, Mass.

LABEL, IN PART: (Can) "Kelley's Tomato Juice Contents Approximately 1 Qt. 14 F. Oz."

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

DISPOSITION: March 1, 1954. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

21340. Adulteration of pecan meats. U. S. v. 80 Cartons * * *. (F. D. C. No. 36499. Sample No. 58090-L.)

LIBEL FILED: April 9, 1954, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 2 and 3, 1954, by the Missouri Pecan Shelling Co., from St. Louis, Mo.

PRODUCT: 80 30-pound cartons of pecan meats at Chicago, Ill.

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 *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10, 1954. Default decree of condemnation and destruction.

21341. Adulteration of pecan meats. U. S. v. 26 Cartons * * *. (F. D. C. No. 36723. Sample No. 53370-L.)

LIBEL FILED: April 26, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 5, 15, 23, and 31, 1954, by the Southwest Pecan Co., from Bristow, Okla.

PRODUCT: 26 60-pound cartons of pecan meats at St. Louis, Mo.

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 insects; and, Section 402 (b) (2), shell had been substituted in part for pecan granules, which the article was represented to be.

DISPOSITION: May 19, 1954. Default decree of condemnation and destruction.

21342. Adulteration of sunflower seeds. U. S. v. 100 Bags, etc. (F. D. C. No. 36249. Sample No. 65501-L.)

LIBEL FILED: December 16, 1953, District of Minnesota; amended libel filed December 30, 1953.

ALLEGED SHIPMENT: On or about February 27, 1953, from Manteca, Calif.

PRODUCT: 100 85-pound bags and 300 100-pound bags of sunflower seeds at St. Paul, Minn., in possession of the Fisher Nut & Chocolate Co.

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 rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.