

## NUTS AND NUT PRODUCTS

Nos. 5067 to 5069 report actions involving nut meats that were found to be contaminated with *Escherichia coli*, an organism which indicates pollution of fecal origin. The first two were also found to contain one or more other types of filth, such as rodent hairs, cat hairs, feather barbules, and insect fragments.

**5067. Adulteration of black walnut kernels. U. S. v. 22 Cases of Black Walnut Kernels. Decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 9252. Sample No. 5871-F.)

On January 29, 1943, the United States attorney for the Western District of Tennessee filed a libel against 22 cases, each containing 35 pounds, of black walnut kernels at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by the Mullins Produce Co. from West Plains, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, and in that it had been prepared under insanitary conditions.

On June 9, 1943, Alvin Mullins having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by washing, cleaning, and pasteurizing, under the supervision of the Food and Drug Administration.

**5068. Adulteration of walnut kernels. U. S. v. 46 Cartons of Walnut Kernels. Default decree of condemnation and destruction.** (F. D. C. No. 9191. Sample No. 23201-F.)

On January 14, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 46 5-pound cartons of walnut kernels at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about December 9, 1942, by the J. R. Traubarger Produce & Feed Co. from Kingsport, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: (Carton) "Pasteurized Black Walnut Kernels."

On February 12, 1943, no claimant having appeared, judgment of condemnation was entered and the court ordered that the seized product be destroyed by the marshal. On May 17, 1943, the marshal having been unable to comply with the order of the court because the product had been returned to the shipper, the case was ordered closed.

**5069. Adulteration of pecan pieces and pecan granules. U. S. v. 3 Boxes of Pecan Granules and 39 Boxes of Pecan Pieces. Default decrees of condemnation and destruction.** (F. D. C. Nos. 9081, 9089. Sample Nos. 22435-F, 28746-F.)

On December 28 and 31, 1942, the United States attorney for the Eastern District of Pennsylvania and the Western District of North Carolina filed libels against the above described products at Philadelphia, Pa., and Charlotte, N. C., alleging that the articles had been shipped in interstate commerce on or about November 30 and December 4, 1942, by the Southland Pecan Co., Inc., from Columbus, Ga.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Gold Medal Pecan Granules," or "Gold Medal Pecans Selected Pieces."

On January 15 and February 8, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 5070 to 5078 report actions involving nuts that were found to contain one or more types of filth, such as insect and worm excreta, rodent and cat hairs, insect fragments and webbing, larvae, pupae, cocoons, moths, beetles, and feather barbules. In addition, many lots were rancid, moldy, and decomposed, and showed evidence of insect and worm cutting.

**5070. Adulteration of Brazil nuts. U. S. v. 19 Bags, 30 Bags, and 16 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation of the fit portion from the unfit portion.** (F. D. C. Nos. 8953, 8960, 8969. Sample Nos. 12433-F, 12436-F, 30502-F.)

On December 8, 1942, the United States attorney for the Western District of Washington filed a libel against a total of 65 100-pound bags of Brazil nuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by Wm. A. Higgins & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bag) "Holly New Crop Large Washed Brazil Nuts."

On December 15, 1942, Schwabacher Bros. & Co., Inc., the American Wholesale Grocery Co., and the Matchett-Macklem Co., all of Seattle, Wash., having appeared as claimants for respective portions of the article and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered

released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration, and for disposal of the product in compliance with the law.

**5071. Adulteration of walnut meats. U. S. v. Lewis R. Stone (L. R. Stone Co.). Plea of nolo contendere. Fine, \$150; \$50 on each of 6 counts, with payment of fine on last 3 counts suspended. (F. D. C. No. 7661. Sample Nos. 7390-F, 9726-F, 12188-F, 12197-F, 17434-F, 22632-F.)**

On May 27, 1943, the United States attorney for the Southern District of California filed an information against Lewis R. Stone, trading as L. R. Stone Co. at Los Angeles, Calif., alleging shipment within the period from on or about November 6 to December 1, 1942, from the State of California into the States of Washington, Pennsylvania, New York, Louisiana, and North Dakota of quantities of walnut meat that were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The article was labeled in part: "Golden Pak California Shelled Walnut Meats."

On June 14, 1943, a plea of nolo contendere having been entered, the court imposed a fine of \$50 on each of 6 counts in the information, with the provision that the fine on the last 3 counts would be suspended if the payment of the fine on the first 3 counts was made within a week from the date of imposition of sentence.

**5072. Adulteration of walnut meats. U. S. v. 12 Cases of Shelled Walnut Meats (and 9 additional seizure actions against walnut meats). Default decrees of condemnation and destruction as to 5 of the lots; decrees of condemnation providing for release of the remaining lots under bond for reprocessing. (F. D. C. Nos. 8905, 9068, 9096, 9115, 9141, 9149 to 9151, incl., 9383, 9747. Sample Nos. 479-F, 7390-F, 9726-F, 12188-F, 12497-F, 17434-F, 20127-F to 20129-F, incl., 22632-F.)**

Between November 21, 1942, and April 3, 1943, the United States attorneys for the Western District of Washington, the Eastern District of Pennsylvania, the Southern District of New York, the Western District of Louisiana, the District of North Dakota, the District of Massachusetts, the Eastern District of Wisconsin, and the District of Idaho filed libels against 12 cases of shelled walnut meats at Takoma, Wash., 36 cartons at Philadelphia, Pa., 25 cartons at New York City, N. Y., 27 cartons at Alexandria, La., 41 cartons at Fargo, N. Dak., 43 cartons at Springfield, Mass., 50 cartons at Holyoke, Mass., 15 cartons at Milwaukee, Wis., and 25 cases at Boise, Idaho, the cases and cartons each containing 25 pounds of shelled walnut meats, alleging that the article had been shipped in interstate commerce within the period from on or about November 6, 1942, to April 12, 1943, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Pak California Shelled Walnut Meats."

On February 1, 1943, the Quaker Products Co. of Philadelphia, Pa., having appeared as claimant for the lot located at Philadelphia, Pa., judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. On March 6 and 19, 1943, L. R. Stone, trading and doing business as L. R. Stone Co. of Los Angeles, Calif., having appeared as claimant for the lots located at Fargo, N. Dak., and Springfield and Holyoke, Mass., judgments of condemnation were entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration, and destruction of the unfit portions. Between January 8 and June 16, 1943, no claimant having appeared for the remaining lots, default decrees of condemnation were entered and the product was ordered destroyed.

**5073. Adulteration of walnut meats. U. S. v. 3 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 9144. Sample No. 18949-F.)**

On January 8, 1943, the United States attorney for the District of New Jersey filed a libel against 3 cartons of walnut meats at Linden, N. J., alleging that the article had been shipped in interstate commerce on or about November 30, 1942, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5074. Adulteration of walnut meats. U. S. v. 300 Cartons of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9525. Sample No. 18527-F.)**

On or about March 12, 1943, the United States attorney for the Southern District of New York filed a libel against 300 cartons, each containing 25 pounds, of shelled walnuts at New York, N. Y., alleging that the article had been shipped in interstate