

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup Net Weight 10½ Ounces [or "Contents 1 Lb. 4 Oz.]."

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

Misbranding, Section 403 (a), (vegetable soup) the label statement "Condensed Tomato Soup" was false and misleading since the product was vegetable soup.

DISPOSITION: March 18, June 3 and 19, and July 16, 1946. No claimant having appeared, judgments of condemnation were entered and one lot was ordered delivered to a county institution, for use as animal feed, and the remaining lots were ordered destroyed.

NUTS AND NUT PRODUCTS

10847. Adulteration of nuts. U. S. v. Reliable Nut Company. Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on counts 2 and 3, and defendant placed on 2 years' probation. (F. D. C. No. 17785. Sample Nos. 30820-H, 30822-H, 31018-H.)

INFORMATION FILED: February 13, 1946, Southern District of California, against the Reliable Nut Company, a partnership, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about February 7, 8, and 20, 1945, from the State of California into the States of Oregon and Utah.

LABEL, IN PART: "Giant Virginia Delicious Salted Nuts * * * Royal Seal Nut Shop," or "Royal Seal Fancy Salted [or "Toasted Candy Covered"] Peanuts."

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 rodent and other hairs and dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 11, 1946. A plea of nolo contendere having been entered, the defendant was fined \$100 on count 1. Imposition of sentence on the remaining 2 counts was suspended for a concurrent period of 2 years, conditioned that during this period the defendant should not further violate the laws of the United States.

10848. Adulteration of cashew nuts. U. S. v. 7 Cans * * *. (F. D. C. No. 19135. Sample No. 14474-H.)

LIBEL FILED: February 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 7, 1945, by William A. Higgins and Co., from New York, N. Y.

PRODUCT: 7 25-pound cans of cashew nuts at Cleveland, Ohio.

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 insect-infested nuts.

DISPOSITION: March 6, 1946. William A. Higgins and Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by cleaning under the supervision of the Food and Drug Administration. The decree provided further that unless the product were properly cleaned, it was to be disposed of for purposes other than human consumption or destroyed.

10849. Adulteration of peanuts. U. S. v. 204 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 19505, 20086. Sample Nos. 1256-H, 1257-H, 51512-H, 51513-H.)

LIBELS FILED: April 15 and June 11, 1946, Northern Districts of Georgia and Iowa.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and February 18, 1946, by the Headland Peanut Co., from Headland, Ala.

PRODUCT: 604 125-pound bags of peanuts at Atlanta, Ga., and 800 125-pound bags of peanuts at Sioux City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid, moldy, and decomposed peanuts.

DISPOSITION: April 29 and July 2, 1946. The Georgia Peanut Co., Moultrie, Ga., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the Sioux City lot be converted into oil and meal.

The bond filed with respect to the Atlanta lot was conditioned upon the separation of the unfit portion of the product from the fit portion, under the supervision of the Food and Drug Administration. This separation having been unsuccessful, the entire lot of peanuts was crushed and manufactured into crude oil and cake for use as animal feed.

10850. Adulteration of shelled peanuts. U. S. v. 362 Bags * * *. (F. D. C. No. 19459. Sample No. 8727-H.)

LIBEL FILED: March 26, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 13, 1946, by R. L. Hutto and Sons, from Arton, Ala.

PRODUCT: 362 120-pound bags of shelled peanuts at New York, 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 rancid, moldy, and decomposed peanuts.

DISPOSITION: April 12, 1946. The Phil Silvershein Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be separated from the unfit, under the supervision of the Food and Drug Administration, and that the latter be denatured and disposed of as animal feed or for the purpose of pressing out and refining the oil.

10851. Adulteration of shelled peanuts. U. S. v. 207 Bags * * *. (F. D. C. No. 18878. Sample Nos. 37427-H, 37428-H.)

LIBEL FILED: January 18, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about May 17, 1945, by the Suffolk Peanut Co., from Suffolk, Va.

PRODUCT: 207 bags of shelled peanuts at Tacoma, Wash.

LABEL, IN PART: "No. 1 [or "Medium"] Virginia Shelled Peanuts."

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 larvae and insect-damaged peanuts.

DISPOSITION: April 5, 1946. Fisher Nut Products, Inc., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10852. Adulteration of shelled roasted peanuts. U. S. v. 9 Boxes * * *. (F. D. C. No. 19141. Sample No. 35170-H.)

LIBEL FILED: February 15, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 16, 1945, by the Perry Co., from Camilla, Ga.

PRODUCT: 9 45-pound boxes of shelled roasted peanuts at St. Louis, Mo.

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

DISPOSITION: March 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured, and that such other safeguards be adopted against its use for human consumption as might be directed by the Federal Security Agency.

10853. Adulteration of peanuts, mixed nuts, almonds, and pecans. U. S. v. 30 1/2 Cases, etc. (F. D. C. No. 19144. Sample Nos. 44511-H to 44514-H, incl., 44516-H.)

LIBEL FILED: February 21, 1946, Western District of Washington.