

11451. Adulteration of frozen peas. U. S. v. 1,494 Cases * * *. (F. D. C. No. 20595. Sample No. 15370-H.)

LIBEL FILED: August 2, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 2, 1946, by the Ries, Munoz & Antun Corp., from Georgetown, Del.

PRODUCT: 1,494 30-pound cases of frozen peas at Chicago, Ill.

LABEL, IN PART: "Early June Peas John S. Isaacs and Sons, Ellendale, Delaware."

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

DISPOSITION: March 3, 1947; amended March 20, 1947. Default decree of condemnation. Product ordered segregated and denatured under the supervision of the Federal Security Agency so that it could be brought into compliance with the law. It was further ordered that the portion of the product found to be fit for human consumption be sold, and that the unfit portion be denatured and delivered to a public institution, for use as animal feed.

11452. Adulteration of frozen peas. U. S. v. 1,498 Cartons * * *. (F. D. C. No. 20625. Sample Nos. 15371-H, 15372-H.)

LIBEL FILED: August 9, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Ries, Munoz & Antun Corp., from Georgetown, Del.

PRODUCT: 1,498 30-pound cartons of frozen peas at Chicago, Ill. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Early June Peas John S. Isaacs & Sons, Ellendale, Delaware."

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

DISPOSITION: February 3, 1947; decree amended March 20, 1947. No claimant having appeared, judgment of condemnation was entered and the fit portion of the product was ordered segregated and sold under the supervision of the Federal Security Agency, and the unfit portion was ordered denatured and delivered to a public institution, for use as animal feed.

MISCELLANEOUS VEGETABLES AND VEGETABLE PRODUCTS

11453. Adulteration of dried lima beans. U. S. v. 60 Cases, etc. (F. D. C. Nos. 20678, 21029 to 21038, incl. Sample Nos. 52743-H, 52745-H to 52747-H, incl., 53054-H to 53056-H, incl., 53059-H to 53061-H, incl., 53063-H.)

LIBELS FILED: August 20 and September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: June 19 and July 11, 1946, by the California Bean Growers Assoc., from Saticoy, Calif.

PRODUCT: 2,011 cases, each containing 24 2-pound bags, of dried lima beans at Cleveland, Ohio.

LABEL, IN PART: "Seaside Brand California Large Limas Butter Beans."

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 insect excreta.

DISPOSITION: September 24 and 27, 1946. The California Lima Bean Growers Assoc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be fumigated and cleaned under the supervision of the Food and Drug Administration.

11454. Misbranding of onions. U. S. v. C. G. Dash. Plea of guilty. Fine, \$50. (F. D. C. No. 20468. Sample No. 43468-H.)

LIBEL FILED: August 20, 1946, District of Colorado, against C. G. Dash, a partnership, Rocky Ford, Colo.

ALLEGED SHIPMENT: On or about January 29, 1946, from the State of Colorado into the State of California.

LABEL, IN PART: "Colorado Onions 50 Lbs. Net * * * Packed and Shipped By C. G. Dash—Rocky Ford, Colo.," or "Colorado Ruby Brand Onions 50 Lbs. Keck Produce Co. Rocky Ford, Colo."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents, since the bags contained less than 50 pounds.

DISPOSITION: September 4, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

11455. Adulteration and misbranding of potatoes. U. S. v. 255 Bags * * *
(F. D. C. No. 20421. Sample No. 38302-H.)

LIBEL FILED: July 27, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about June 21, 1946, by the National Produce Co., from Atherton, Mo.

PRODUCT: 255 100-pound bags of potatoes at Grand Rapids, Mich. Examination showed that the bags contained an average of 10 pounds of dirt.

LABEL, IN PART: "100 Lbs. Net Pony Express Missouri Grown Potatoes Grown By C. Ray Curtis and Son, Atherton, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), dirt had been substituted in part for potatoes.

Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered brought into compliance with the law, under the supervision of the Food and Drug Administration. The product subsequently was sold by the U. S. marshal.

11456. Adulteration of potato chips. U. S. v. Red Dot Foods and Andrew B. Laing. Pleas of guilty. Fines of \$200 against the partnership and \$25 against the individual. (F. D. C. No. 20451. Sample Nos. 19535-H, 19540-H, 50655-H, 50656-H.)

INFORMATION FILED: July 17, 1946, District of Minnesota, against Red Dot Foods, a partnership, St. Paul, Minn., and Andrew B. Laing, plant manager.

ALLEGED SHIPMENT: On or about December 28 and 29, 1945, and January 2, 1946, from the State of Minnesota into the States of Iowa, Wisconsin, and North Dakota.

LABEL, IN PART: "Red Dot * * * Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of rodent hairs and insect fragments, and the remainder consisted in part of a decomposed substance by reason of the presence of decomposed potato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 6, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$200 against the partnership defendant and \$25 against the individual defendant.

TOMATOES AND TOMATO PRODUCTS*

11457. Misbranding of canned tomatoes. U. S. v. 600 Cases * * * (F. D. C. No. 20729. Sample No. 41937-H.)

LIBEL FILED: August 15, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 2 and 6, 1946, by Sunrise Products, Inc., from Fort Pierce, Fla.

PRODUCT: 600 cases, each containing 24 cans, of tomatoes at Richmond, Va. Examination showed that the article was short-weight; that the drained weight was less than 50 percent of the weight of the water required to fill the container; and that the containers were filled to less than 90 percent of their capacity.

LABEL, IN PART: "Pure Food Brand Tomatoes Contents 1 Lb. 3 Oz. Thomas Roberts & Co., Distributors, Philadelphia, Pa."

*See also No. 11310.