

PRODUCT: 197 cases, each containing 6 cans, of tomato catsup at Honolulu, T. H.

LABEL, IN PART: "R-Best Brand Tomato Catsup Stockton Food Products Inc. Stockton, California."

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: November 5, 1945. American Factors, Ltd., having admitted the adulteration of the product and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered forfeited. Thereafter, the product was destroyed by the United States marshal.

12581. Misbranding of tomato puree. U. S. v. 99 Cases * * *. (F. D. C. No. 24210. Sample No. 33223-K.)

LIBEL FILED: December 26, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 20, 1947, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 99 cases, each containing 24 cans, of tomato puree at Boston, Mass.

LABEL, IN PART: "Flotta Tomato Puree * * * Contents 1 Lb. 12 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared amount.)

DISPOSITION: February 3, 1948. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Federal Security Agency.

NUTS AND NUT PRODUCTS*

12582. Adulteration of brazil nuts. U. S. v. 27 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 21880, 24123. Sample Nos. 53637-H, 12227-K.)

LIBELS FILED: December 23, 1946, and November 24, 1947, Southern District of Ohio and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 25, 1946, and October 17, 1947, by the Red Line Commercial Co., Inc., from New York, N. Y.

PRODUCT: Brazil nuts. 27 100-pound bags at Dayton, Ohio, and 81 100-pound bags at Philadelphia, Pa.

LABEL, IN PART: "Amazon Brand," or "Pan American Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Dayton lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells. The Philadelphia lot 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 moldy nuts.

DISPOSITION: February 7 and December 11, 1947. The Biddle Purchasing Co., claimant for the Dayton lot, and the Red Line Commercial Co., Inc., claimant for the Philadelphia lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency.

12583. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 23859. Sample No. 411-K.)

LIBEL FILED: October 17, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 22, 1947, by the Southgate Brokerage Co., from Norfolk, Va.

PRODUCT: 50 100-pound bags of brazil nuts at Charlotte, N. C.

LABEL, IN PART: "Southgate's Natural Large Medium Brazil Nuts."

*See also No. 12419.

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 moldy, rancid, and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: November 12, 1947. The Southgate Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the destruction of all unfit material, under the supervision of the Food and Drug Administration.

12584. Adulteration of brazil nuts. U. S. v. 46 Bags * * *. (F. D. C. No. 23886. Sample No. 416-K.)

LIBEL FILED: October 30, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 27, 1947, by the Southgate Brokerage Co., from Norfolk, Va.

PRODUCT: 46 100-pound bags of brazil nuts at Greensboro, N. C.

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

DISPOSITION: December 3, 1947. The Southgate Brokerage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law, by the segregation of the good from the bad, under the supervision of the Food and Drug Administration.

12585. Adulteration of shelled filberts. U. S. v. 56 Cartons * * *. (F. D. C. No. 23782. Sample No. 15101-K.)

LIBEL FILED: September 30, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 11, 1947, by the Kelling Nut Co., from Passaic, N. J.

PRODUCT: 56 cartons, each containing 35 pounds, of shelled filberts 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 being insect-infested, and of a decomposed substance by reason of being moldy.

DISPOSITION: October 10, 1947. The Kelling Nut Company, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing, or destruction, of the unfit portion, under the supervision of the Federal Security Agency.

12586. Adulteration of black walnut kernels. U. S. v. 3 Cases * * *. (F. D. C. No. 18866. Sample No. 52621-H.)

LIBEL FILED: January 24, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 14, 1945, by Block Brothers, from Nashville, Tenn.

PRODUCT: 3 cases, each containing 55 pounds, of black walnut kernels at Indianapolis, Ind.

LABEL, IN PART: "Tennessee Belle Brand Black Walnut Kernels."

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 hair fragments, and *E. coli*, an organism which indicates pollution of fecal origin.

DISPOSITION: March 27, 1946. Block Brothers, claimant, having admitted the allegations of the libel, and 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 washed and pasteurized to remove all filth and pollution, under the supervision of the Federal Security Agency.

12587. Adulteration of mixed nuts. U. S. v. 309 Cases * * *. (F. D. C. No. 24164. Sample No. 3506-K.)

LIBEL FILED: December 2, 1947, District of Maryland.