

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

DISPOSITION: April 22 and 28, 1949. Default decrees of condemnation and destruction.

**14891. Adulteration of tomato catsup. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 26864. Sample No. 46466-K.)**

LIBEL FILED: On or about March 17, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 20, 1949, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 86 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Sweet Home Tomato Catsup."

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 decomposed tomato material.

DISPOSITION: May 5, 1949. Default decree of condemnation and destruction.

## NUTS

**14892. Adulteration of shelled pecans. U. S. v. R. E. Funsten Co. Plea of nolo contendere. Fine, \$575. (F. D. C. No. 26759. Sample Nos. 1081-K, 1082-K, 10127-K, 15248-K, 15249-K.)**

INFORMATION FILED: April 15, 1949, Eastern District of Missouri, against the R. E. Funsten Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: Between the approximate dates of October 28 and November 20, 1948, from the State of Missouri into the States of Florida, Indiana, New Jersey, and Illinois.

LABEL, IN PART: "Funsten's Select Medium [or "Small"] Pecan Pieces," "Funsten's Select Pecan Halves," or "Funsten's Shelled Pecans Select Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair fragments, and feather fragments, and by reason of the presence (portion of product) of *Escherichia coli*, an organism indicating fecal pollution; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 29, 1949. A plea of nolo contendere having been entered, the defendant was fined \$575.

**14893. Adulteration of peanuts. U. S. v. 31 Bags \* \* \*. (F. D. C. No. 25418. Sample No. 44409-K.)**

LIBEL FILED: August 26, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 9, 1948, from Suffolk, Va.

PRODUCT: 31 100-pound bags of peanuts at Portsmouth, 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. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as stock feed.

14894. Adulteration of brazil nuts. U. S. v. 35 Bags \* \* \* . (F. D. C. No. 25958. Sample No. 18655-K.)

LIBEL FILED: November 23, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 18, 1948, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 35 40-pound bags of brazil nuts at Cincinnati, Ohio.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

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, and of a decomposed substance by reason of the presence of decomposed nuts.

DISPOSITION: December 10, 1948. Wm. A. Higgins & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit nuts, under the supervision of the Food and Drug Administration. Of the 1,400 pounds seized, 1,217 pounds were segregated as good.

14895. Adulteration of mixed nuts. U. S. v. 445 Cases \* \* \* . (F. D. C. No. 26199. Sample No. 43542-K.)

LIBEL FILED: December 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 23, 1948, by the Continental Nut Co., from Chico, Calif.

PRODUCT: 445 cases, each containing 24 bags, of mixed nuts at Cincinnati, Ohio.

LABEL, IN PART: "A and P Mixed Nuts—Almonds—Walnuts—Brazils—Pecans—Filberts Net Wt. One Pound."

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 and otherwise decomposed brazil nuts, and of a filthy substance by reason of the presence of insect-infested brazil nuts; and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: December 10, 1948. The Continental Nut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit under the supervision of the Food and Drug Administration. The 10,656 pounds of mixed nuts seized, contained approximately 1,258 pounds of brazil nuts. These were cracked, and 562½ pounds of good nuts were recovered. The shells and unfit nuts were destroyed.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

14896. Adulteration and misbranding of Super Multi-Caps, Multi-Caps, and thiamine chloride tablets. U. S. v. Oxford Products, Inc., Jerome H. Rose, and J. Sanford Rose. Pleas of nolo contendere. Corporation fined \$1,100 and individual defendants each fined \$550, together with costs. (F. D. C. No. 21427. Sample Nos. 955-H, 956-H, 10991-H,