

**ALLEGED SHIPMENT:** On or about September 1 and 2, 1950, by Stratford Packing Co., Inc., from Montross, Va.

**PRODUCT:** 1,555 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sanford and Charlotte, N. C.

**LABEL, IN PART:** (Can) "Stratford Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the low drained weight and because a portion of the product contained excessive peel; and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 30, 1951. Stratford Packing Co., Inc., having consented to the entry of a decree and the case against the Sanford lot having been removed to the Western District of North Carolina, judgments of condemnation were entered and the court ordered that the product be delivered to charitable institutions.

**17832. Adulteration and misbranding of tomato puree. U. S. v. 176 Cases**  
\* \* \*. (F. D. C. No. 29933. Sample No. 55047-K.)

**LABEL FILED:** October 17, 1950, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about January 12 and June 27, 1950, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 176 cases, each containing 6 6-pound, 5-ounce cans, of tomato puree at Montgomery, Ala.

**LABEL, IN PART:** "Val-Tex Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids as determined by the method prescribed in the standard.

**DISPOSITION:** November 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**17833. Adulteration of tomato sauce. U. S. v. 565 Cases** \* \* \*. (F. D. C. No. 30897. Sample No. 27842-L.)

**LABEL FILED:** April 6, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 9, 1951, by Hunt Foods, Inc., from Hayward, Calif.

**PRODUCT:** 565 cases of tomato sauce at Paterson, N. J.

**LABEL, IN PART:** (Can) "Hunt's Tomato Sauce Net Weight 8 Oz."

**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:** October 25, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

### NUTS AND NUT PRODUCTS\*

**17834. Adulteration of brazil nuts. U. S. v. 182,103 Pounds \* \* \*. (F. D. C. No. 29769. Sample No. 73033-K.)**

**LIBEL FILED:** September 28, 1950, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 5, 1950, from Brazil.

**PRODUCT:** 182,103 pounds of brazil nuts 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 moldy nuts, and it was otherwise unfit for food by reason of the presence of rancid nuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 11, 1950. Wm. A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations were completed on or about August 31, 1951, and resulted in the release of about 135,000 pounds of the product as fit for human consumption.

**17835. Adulteration of peanut butter. U. S. v. The Kelly Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 31118. Sample No. 7391-L.)**

**INFORMATION FILED:** July 24, 1951, Northern District of Ohio, against the Kelly Co., a corporation, Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about January 24, 1951, from the State of Ohio into the State of New York.

**LABEL, IN PART:** "Nutritious Dixie Brand Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 10, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$250, plus costs.

**17836. Adulteration of peanut butter. U. S. v. 11 Cases, etc. (F. D. C. No. 31163. Sample Nos. 5511-L, 5512-L.)**

**LIBEL FILED:** May 28, 1951, District of Maine.

**ALLEGED SHIPMENT:** On or about April 18, 1951, by John W. Leavitt Co., from Boston, Mass.

**PRODUCT:** Peanut butter. 11 cases, each containing 24 15-ounce jars, and 4 cases, each containing 24 8-ounce jars, at Rockland, Maine.

**LABEL, IN PART:** (Jar) "Teddie Homogenized Peanut Butter."

**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

\*See also No. 17813.