18038. Adulteration of tomato soup and canned tomatoes and adulteration and misbranding of tomato paste, and refusal to permit inspection of factory premises. U. S. v. H. J. McGrath Co. and Rentzell D. Cleaveland. Pleas of guilty. Each defendant fined $70, together with costs. (F. D. C. No. 31072. Sample Nos. 55065–K, 55067–K, 65526–K, 65527–K, 4252–L, 9312–L.)

INFORMATION FILED: May 1, 1951, District of Maryland, against the H. J. McGrath Co., Baltimore, Md., and Rentzell D. Cleaveland, vice president.

NATURE OF VIOLATION: On or about November 15, 1949, and September 7 and December 9, 1950, the defendants shipped from Baltimore, Md., to Birmingham, Ala., Milwaukee, Wis., and Chicago, Ill., tomato soup and canned tomatoes which were adulterated and tomato paste which was adulterated and misbranded.

On September 21, 1950, Rentzell D. Cleaveland unlawfully refused a request for permission to enter upon and inspect the factory of the H. J. McGrath Co., which request was made at a reasonable time and in accordance with the provisions of Section 704, by employees of the Food and Drug Administration, and in which factory food was being processed, packed, and held for introduction into interstate commerce.

LABEL, IN PART: (Can) "Pieper's Condensed Tomato Soup * * * Exclusive Distributors O. R. Pieper Co. Milwaukee Wisconsin," "McGrath's Condensed Tomato Soup Packed By The H. J. McGrath Co.," "Realm Vine Ripened Tomatoes * * * Packed For Household Products Co., Chicago, Ill.," and "Plee-zing Tomato Paste Naples Style * * * Packed For Plee-zing, Inc.

NATURE OF CHARGE: Tomato soup, canned tomatoes, and tomato paste. Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

Tomato paste. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: November 8, 1951. Pleas of guilty having been entered, the court fined each defendant $70, together with costs.

NUTS AND NUT PRODUCTS

18039. Adulteration of shelled peanuts. U. S. v. 72 Bags * * *. (F. D. C. No. 31509. Sample No. 29873–L.)

LIBEL FILED: September 4, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about June 28, 1951, from Fredericksburg, Tex.

PRODUCT: 72 120-pound bags of shelled peanuts at Seattle, Wash.

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. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 28, 1951. The Rogers Co., Seattle, Wash., 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 of the good portion from the bad, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 198 pounds of the product as unfit.