VEGETABLES

19382. Adulteration of dried black-eyed peas. U. S. v. 288 Bags * * *. (F. D. C. No. 32971. Sample No. 28289–L.)

LIBEL FILED: April 3, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 27, 1952, by Bryant & Sawyer, from Los Angeles, Calif.

PRODUCT: 288 100-pound bags of dried black-eyed peas at Philadelphia, Pa.

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 insect-damaged black-eyed peas.

DISPOSITION: April 15, 1952. Bryant & Sawyer, 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 product was denatured for use as seed.

TOMATOES AND TOMATO PRODUCTS

19383. Adulteration and misbranding of canned tomatoes. U. S. v. 929 Cases * * *. (F. D. C. No. 33436. Sample No. 16478–L.)

LIBEL FILED: June 30, 1952, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about April 25, 1952, by the Davis Canning Co., from Summers, Ark.

PRODUCT: 929 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Tulsa, Okla.

LABEL, IN PART: (Can) "Adair Brand Hand Packed * * * Tomatoes Packed by Wauhillau Canning Co. Adair County, Stillwell, Okla."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient in the standard.

DISPOSITION: September 8, 1952. Default decree of condemnation. The court ordered that the product, consisting of the 115 cases which were actually seized, be delivered to welfare organizations.

19384. Adulteration of canned tomatoes. U. S. v. 173 Cases * * *. (F. D. C. No. 30197. Sample No. 35787–K.)

LIBEL FILED: December 8, 1950, Western District of New York.

ALLEGED SHIPMENT: On or about November 26, 1950, by Flotill Products, Inc., from Alameda, Calif.

PRODUCT: 173 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Buffalo, N. Y.

LABEL, IN PART: (Can) "La Gustosa Brand * * * Unpeeled Plum Tomatoes."