

filthy substance by reason of the presence of fly eggs and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** August 29, 1952. Howard Canning Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. A total of 472 cases and 7 cans were segregated as bad and were delivered to the State hospital, for use as animal feed.

**19136. Misbranding of canned tomatoes. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 32584. Sample No. 10836-L.)**

**LIBEL FILED:** March 8, 1952, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 17, 1951, by the Old Black Joe Co., from Hohenwald, Tenn.

**PRODUCT:** 15 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Washington, Ind.

**LABEL, IN PART:** (Can) "Old Black Joe Net Contents 1 Lb. 3 Ozs. Hand Packed Tomatoes Packed By Green River Canneries, Inc., Madisonville, Kentucky."

**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 since the cans contained less than the labeled "1 Lb. 3 Oz."; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes.

**DISPOSITION:** June 20, 1952. Default decree of forfeiture and destruction.

**19137. Adulteration of canned unpeeled plum tomatoes. U. S. v. 748 Cases \* \* \*. (F. D. C. No. 30395. Sample No. 33789-K.)**

**LIBEL FILED:** January 25, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 27, 1950, by Flotill Products, Inc., from Stockton, Calif.

**PRODUCT:** 748 cases, each containing 24 1-pound, 12-ounce cans, of unpeeled plum tomatoes at Newark, N. J.

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

**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:** August 4, 1952. Flotill Products, Inc., 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 separation of the fit from the unfit and for destruction of the latter as food for human consumption, under the supervision of a representative of the Federal Security Administrator. A total of 557 cases and 22 cans were segregated and destroyed.

**19138. Adulteration of tomato juice. U. S. v. 96 Cases \* \* \*. (F. D. C. No. 31999. Sample No. 5881-L.)**

**LIBEL FILED:** December 6, 1951, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about September 6, 1951, by Mason Canning Co., Inc., from Pocomoke City, Md.

**PRODUCT:** 96 cases, each containing 12 cans, of tomato juice at Woonsocket, R. I.

**LABEL, IN PART:** "Contents 1 Qt. 14 Fl. Oz. Sea View Tomato Juice."

**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:** February 8, 1952. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

19139. Adulteration of cashew nuts. U. S. v. 925 Cases \* \* \*. (F. D. C. No. 31823. Sample Nos. 27065-L, 27380-L.)

**LIBEL FILED:** September 26, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about August 4, 1951, by Wm. A Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 925 cases, each containing 2 25-pound cans, of cashew nuts at San Francisco, Calif.

**LABEL, IN PART:** "Wholes 320 Count W. A. T. K. M. WAH New York."

**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 insects.

**DISPOSITION:** October 23, 1951. Wm. A. Higgins & Co., Inc., 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, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

On October 31, 1951, the decree was amended to permit the shipment of the product to Paterson, N. J., for salvage, and on February 29, 1952, the decree again was amended to permit the release of 1,506 tins of the product which were in compliance with the law. The remaining nuts were brushed and blown, and 8,050 pounds of these nuts were released as passable and 700 pounds were rejected and destroyed.

19140. Adulteration of pecan halves. U. S. v. 4 Cartons \* \* \*. (F. D. C. No. 31975. Sample No. 25683-L.)

**LIBEL FILED:** November 1, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 14, 1951, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** 4 25-pound cartons of pecan halves at Shenandoah, Pa.

**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 pecan meats.

**DISPOSITION:** January 21, 1952. Default decree of condemnation and destruction.

19141. Adulteration of peanut butter. U. S. v. Market Basket Corp. Plea of guilty. Fine of \$600. (F. D. C. No. 32789. Sample Nos. 6808-L to 6811-L, incl.)

**INFORMATION FILED:** July 7, 1952, Western District of New York, against the Market Basket Corp., Geneva, N. Y.