NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, and the label failed to bear a statement that the article fell below such standard. (Examination showed that the article was substandard in quality because the drained weight was less than 50 percent of the weight of water required to fill the container.)

DISPOSITION: December 28, 1950. Seiter's, Inc., Post Falls, Idaho, 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 relabeling, under the supervision of the Food and Drug Administration.

16939. Adulteration of tomato puree. U. S. v. 2,374 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 29869 to 29874, incl. Sample Nos. 73871–K to 73873–K, incl., 73876–K to 73880–K, incl.)

LIBELS FILED: November 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 6, 21, and 25, 1950, by Saggese & Siccardi, Inc., from Hopewell, N. J.

PRODUCT: 3,018 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: (Can) "La Signora Brand Tomato Puree."

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: November 21 and December 13, 1950. Default decrees of condemnation and destruction.

NUTS AND NUT PRODUCTS*

16940. Adulteration of brazil nuts and mixed nuts. U. S. v. 636 Cartons, etc. (F. D. C. No. 29768. Sample Nos. 73032–K, 73033–K.)

LIBEL FILED: September 29, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 1, 1950 from Chicago, Ill.

PRODUCT: 636 cartons, each containing 25 1-pound bags, of brazil nuts, and 7,552 cases, each containing 25 1-pound bags, of mixed nuts, at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of moldy nuts, and were otherwise unfit for food by reason of the presence of rancid nuts. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1950. 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 for separation of the brazil nuts from the other nuts, and the subsequent segregation and destruction of all unfit brazil nuts, under the supervision of the Food and Drug Administration.

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*See also No. 16918.