

On 5-4-53, the claimant filed a document entitled "Motion for Relief from Judgment." This document consisted of three separate motions: a motion to set aside the verdict and the decree, a motion for a new trial, and a motion to modify the decree. On 6-11-53, an order was entered overruling these motions. Thereafter, the claimant failed to exercise the privilege granted to it to bring the tomatoes into compliance with the law, and on 10-14-53, orders of destruction were entered. The lot seized in Wisconsin was destroyed, and the lots seized in Minnesota and Missouri were delivered to charitable institutions to be consumed by animals.

22180. Canned tomatoes. (F. D. C. No. 36895. S. No. 87-852 L.)

QUANTITY: 818 cases, 24 1-lb. cans each, at Philadelphia, Pa.

SHIPPED: 6-24-54, from Chestertown, Md., by A. W. Sisk & Son.

LIBELED: 7-19-54, E. Dist. Pa.

LABEL IN PART: (Can) "Red-Glo Tomatoes."

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 8-11-54. Consent—claimed by Chester Packing Co., Chestertown, Md. Segregated, 252 cases destroyed.

22181. Canned tomatoes. (F. D. C. No. 37574. S. No. 2-388 M.)

QUANTITY: 585 cases, 24 1-lb. cans each, at Washington, D. C.

SHIPPED: Between 8-12-54 and 11-2-54, from Delta, Pa., by R. D. and D. B. Snyder.

LIBELED: 1-4-55, Dist. Columbia.

LABEL IN PART: (Can) "Aunt Nellie's Solid Pack Tomatoes."

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-23-55. Default—consumption by animals.

22182. Canned tomatoes. (F. D. C. No. 37596. S. No. 12-822 M.)

QUANTITY: 273 cases, 24 1-lb., 3-oz. cans each, at Philadelphia, Pa.

SHIPPED: 10-5-51, from Hightstown, N. J., by Farm Fresh Packing Corp.

LIBELED: 1-10-55, E. Dist. Pa.

LABEL IN PART: (Can) "Little Darling * * * Tomatoes."

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 3-28-55. Default—destruction.

22183. Canned tomatoes. (F. D. C. No. 37354. S. No. 78-011 L.)

QUANTITY: 148 cases, 24 1-lb. cans each, at Wallace, N. C.

SHIPPED: 7-20-54, from Cambridge, Md., by Phillips Packing Co., Inc.

LIBELED: 11-19-54, E. Dist. N. C.

LABEL IN PART: (Can) "Phillips Delicious * * * Tomatoes."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-26-55. Consent—claimed by Phillips Packing Co., Inc. Segregated, 924 cans destroyed.

22184. Canned tomatoes and canned peas. (F. D. C. No. 37051. S. Nos. 80-682/3 L.)

QUANTITY: 661 cases, 24 14-oz. cans each, of tomatoes, and 252 cases, 24 1-lb. cans each, of peas at Philadelphia, Pa.

SHIPPED: 7-27-54, from Milford, Del., by Torsch Canning Co.

LIBELED: 8-30-54, E. Dist. Pa.

LABEL IN PART: (Can) "Standard Grade Cardinal Brand * * * Tomatoes" or "Badger Brand * * * Early June Peas."

CHARGE: 402 (a) (3)—both lots contained a decomposed substance when shipped; and, 403 (h) (1)—the peas fell below the standard of quality for canned peas in that the alcohol-insoluble solids were more than 23.5 percent, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: 10-20-54. Default—destruction.

22185. Tomato catsup. (F. D. C. No. 37546. S. No. 12-823 M.)

QUANTITY: 99 cases, 24 14-oz. btls. each, at Philadelphia, Pa.

SHIPPED: 11-22-54, from Hammonton, N. J., by C & E Canners, Inc.

LIBELED: 12-21-54, E. Dist. Pa.

LABEL IN PART: (Btl.) "Little Darling Tomato Catsup."

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-23-55. Default—destruction.

22186. Tomato juice. (F. D. C. No. 37614. S. No. 12-868 M.)

QUANTITY: 79 cases, each containing 12 1-qt., 14-oz. cans, at Philadelphia, Pa.

SHIPPED: 9-29-54, from Melrose, Md., by Melrose Canning Co.

LIBELED: 1-17-55, E. Dist. Pa.

LABEL IN PART: (Can) "Loveland Brand * * * Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 4-4-55. Default—destruction.

NUTS

22187. Unshelled brazil nuts. (F. D. C. No. 37403. S. No. 86-078 L.)

QUANTITY: 103 100-lb. bags at Minneapolis, Minn.

SHIPPED: 9-20-54, from New York, N. Y., by Wm. A. Higgins & Co., Inc.

LIBELED: 11-5-54, Dist. Minn.

LABEL IN PART: "Bras II Ben * * * Polished Nuts * * * Product of Brazil."

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed nuts when shipped.

DISPOSITION: 11-30-54. Consent—claimed by Wm. A. Higgins & Co., Inc. Segregated, 1,405 lbs. denatured.

22188. Shelled cashew nuts. (F. D. C. No. 36987. S. No. 74-560 L.)

QUANTITY: 594 cases, 2 25-lb. tins each, at Los Angeles, Calif.

SHIPPED: 8-7-54, from New York, N. Y., by General Foods Corp.

LIBELED: 10-5-54, S. Dist. Calif.