CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12–22–55. Default—converted to animal feed.

22907. Green split peas. (F. D. C. No. 38641. S. No. 29–428 M.)

QUANTITY: 25 100-lb. bags at New York, N. Y.

SHIPPED: 2–24–55, from Chicago, Ill.

LIBELED: 10–19–55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12–14–55. Consent—claimed by Embassy Grocery Corp., New York, N. Y. Segregated, 46 lbs. denatured.

22908. Green split peas and yellow split peas. (F. D. C. No. 38642. S. Nos. 29–429/30 M.)

QUANTITY: 200 25-lb. bags of green split peas and 60 100-lb. bags of yellow split peas at New York, N. Y.

SHIPPED: 3–25–55, from Spokane, Wash.

LIBELED: 10–19–55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11–7–55. Consent—claimed by Spokane Seed Co., Spokane, Wash. Segregated, 104 lbs. destroyed.

TOMATOES AND TOMATO PRODUCTS

22909. Canned tomato products. (Inj. No. 297.)

COMPLAINT FOR INJUNCTION FILED: 1–20–56, S. Dist. Calif., against Pure Foods Corp., Gardena, Calif., Joseph Fisch, president, and Harold Fisch, secretary-treasurer and general manager, to enjoin the interstate shipment of adulterated canned tomato products.

CHARGE: The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of buying, storing, preparing, processing, packing, holding, selling, and transporting tomatoes and canned tomato products; that in the conduct of the business in the 1955 canning season, the defendants had failed to sort and trim incoming raw tomato stocks adequately to remove rotten, moldy, and sour tomato material and had failed to maintain sanitary safeguards during storage and processing, namely, they had allowed many large cans of garbage to accumulate and to be held close to stocks of incoming raw material and had failed to keep their plant clean of discarded tomato refuse, with the result that large numbers of fruit flies and house flies were present and had infested the tomatoes during all stages of storage and processing; and, that consequently, the finished products contained rotten, moldy, and sour tomato material, fly eggs, insect fragments, and maggots.

The complaint alleged further that the defendants possessed stocks of canned tomato products stored in Gardena, Calif., in excess of 10,000 cases and additional stocks stored in warehouses, the location of which the defendants had refused to divulge; that the defendants had caused to be introduced and delivered for introduction into interstate commerce canned tomato products which were adulterated within the meaning of 402 (a) (3) because of the presence therein of rotten, moldy, and sour tomatoes, fly eggs, insect frag-