

23075. Canned tomatoes. (F. D. C. No. 38876. S. No. 36-712 M.)

QUANTITY: 250 cases, 24 1-lb. cans each, at New York, N. Y.

SHIPPED: 11-29-55, from Federalsburg, Md., by Wright Brothers.

LABEL IN PART: (Can) "Much-more Brand * * * Tomatoes."

LIBELED: 1-13-56, S. Dist. N. Y.

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

DISPOSITION: 2-17-56. Default—destruction.

23076. Canned crushed tomatoes. (F. D. C. No. 38754. S. No. 21-900 M.)

QUANTITY: 598 cases, 6 6-lb., 6-oz. cans each, at Ithaca, N. Y.

SHIPPED: 10-3-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "La Guardia's Sal-Sa-Pomo Brand * * * Crushed Plum Italian Style And Round, Peeled Tomatoes."

LIBELED: 11-15-55, N. Dist. N. Y.

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

DISPOSITION: 1-4-56. Default—destruction.

23077. Canned tomato puree and canned crushed tomatoes. (F. D. C. No. 38800. S. Nos. 37-720/1 M.)

QUANTITY: 13 cases, 6 6-lb., 6-oz. cans each, of tomato puree, and 18 cases, 6 6-lb., 6-oz. cans each, of crushed tomatoes at Syracuse, N. Y.

SHIPPED: 8-31-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "White Horse Brand Fancy Quality Tomato Puree" or "La Guardia's Sal-Sa-Pomo Brand Crushed Plum Italian Style And Round, Peeled Tomatoes."

LIBELED: 12-21-55, N. Dist. N. Y.

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

DISPOSITION: 1-25-56. Default—destruction.

23078. Tomato catsup, tomato puree, and tomato juice (4 seizure actions). (F. D. C. Nos. 34168, 34429, 34431, 34613. S. Nos. 44-510 L, 44-830 L, 44-997 L, 45-000/3 L.)

QUANTITY: 199 cases, 24 14-oz. btls. each, of tomato catsup at Brockton, Mass.; 280 cases, 6 No. 10 unlabeled cans each, of tomato puree at Charlestown, Mass.; 59 cases, 24 14-oz. btls. each, of tomato catsup, 56 cases, 6 6-lb., 8-oz. cans each, of tomato puree, and 43 cases, 6 3-qt. cans each, of tomato juice at Boston, Mass.; and 263 cases, 24 14-oz. btls. each, of tomato catsup at Hartford, Conn.

SHIPPED: Between 10-17-52 and 11-4-52, from Albion and Barre Center, N. Y., by Orleans County Canning Co.

LABEL IN PART: (Btl.) "Dale Brand Tomato Catsup," "Carver Tomato Catsup," or "Oak Hill * * * Food Products Tomato Catsup"; (can) "Stuart Tomato Puree" or "Carver Tomato Juice."

LIBELED: 11-21-52 and 12-12-52 (2 libels filed) Dist. Mass. and 1-16-53, Dist. Conn.

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

DISPOSITION: Wallace W. Dale and Austin J. Dale, partners, t/a Orleans County Canning Co., Albion, N. Y., appeared as claimant in all four cases and filed answers denying that the products were adulterated as alleged. Thereafter, the Government served interrogatories upon the claimant in each of the cases, which interrogatories were answered.

On 3-9-54, pursuant to stipulation of the parties, the United States District Court for the District of Massachusetts entered an order consolidating the cases and removing them for trial in the United States District Court for the Northern District of New York. Thereafter, the claimant served interrogatories upon the Government which were answered. Subsequently, the claimant withdrew its answers and consented to the entry of a decree in each of the four cases. On 3-7-56, the court entered orders condemning the products and ordering that they be destroyed.

23079. Tomato catsup and rice. (F. D. C. No. 38484. S. Nos. 32-958/9 M.)

QUANTITY: 8 cases, 6 7-lb., 3-oz. cans each, of tomato catsup, and 8 25-lb. bags of rice at Denver, Colo., in possession of Westman Commission Co.

SHIPPED: 1-7-54 and 8-16-55, from Sacramento, Calif., and Stuttgart, Ark.

LIBELED: 10-17-55, Dist. Colo.

CHARGE: 402 (a) (3)—the rice contained rodent urine and the catsup contained a decomposed substance while held for sale; and 402 (a) (4)—the rice was held under insanitary conditions.

DISPOSITION: 12-8-55. Default—the catsup was destroyed, and the rice was disposed of for use as hog feed.

NUTS AND NUT PRODUCTS*

23080. Shelled pecans. (F. D. C. No. 38828. S. No. 30-374 M.)

QUANTITY: 3 30-lb. cartons at Memphis, Tenn.

SHIPPED: 12-5-55, from West Memphis, Ark., by Delta Pecan Co.

LIBELED: 1-27-56, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained *E. coli*; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-29-56. Default—consumption by animals.

23081. Shelled walnuts. (F. D. C. No. 38792. S. No. 40-339 M.)

QUANTITY: 38 25-lb. cartons at Minneapolis, Minn.

SHIPPED: 11-14-55, from Canoga Park, Calif., by Valley Shelling Co.

LABEL IN PART: (Carton) "Leo's Brand California Shelled Walnuts Standard Ambers."

LIBELED: 12-13-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged walnuts and moldy walnuts when shipped.

DISPOSITION: 1-9-56. Consent—claimed by Leo Freistat, t/a Valley Shelling Co. Segregated, 54 lbs. converted to animal feed.

23082. Shelled walnuts. (F. D. C. No. 38818. S. No. 40-608 M.)

QUANTITY: 35 25-lb. cases at Minneapolis, Minn.

*See also Nos. 23055, 23056, 23091.