

25317. Canned succotash. (F.D.C. No. 42245. S. No. 4-772 P.)

QUANTITY: 21 cases, 24 cans each, at Suffolk, Va.

SHIPPED: 3-14-58 and 5-21-58, from Baltimore, Md.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-24-58, E. Dist. Va.

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

DISPOSITION: 11-17-58. Default—destruction.

25318. Canned mushrooms. (F.D.C. No. 42357. S. No. 29-343 P.)

QUANTITY: 43 cases, 24 cans each, at New Orleans, La.

SHIPPED: 4-23-58, from Brooklyn, N.Y., by Mayer Gulden Annis, Inc.

LABEL IN PART: (Can) "First State Stems and Pieces Mushrooms * * * Grown and Packed By Delaware Mushroom Cooperative Association, Wilmington, Delaware."

LIBELED: On or about 11-25-58, E. Dist. La.

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

DISPOSITION: 12-23-58. Default—destruction.

25319. Canned mushrooms. (F.D.C. No. 42253. S. No. 30-822 P.)

QUANTITY: 30 ctns., 24 16-oz. cans each, at Brooklyn, N.Y.

SHIPPED: On an unknown date, from France.

LIBELED: 11-3-58, E. Dist. N.Y.

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

DISPOSITION: 11-20-58. Default—destruction.

25320. Pickle relish. (F.D.C. No. 42217. S. No. 7-946 P.)

QUANTITY: 113 cases, 4 1-gal. jars each, at Nashua, N.H.

SHIPPED: 8-14-58, from Roxbury, Mass., by R & S Pickle Works, Inc.

LABEL IN PART: (Jar) "Mrs. Lane's Brand Sweet Relish Cucumbers, Sugar, Vinegar, Peppers, Cauliflower, Onions, Salt, Flavor, Spices, Alum, Turmeric and 0.1% Benzoate of Soda Foodland, Inc. Distributors Cleveland, Ohio."

LIBELED: 10-1-58, Dist. N.H.

CHARGE: 402(a)(3)—contained insects; 402(a)(4)—prepared and packed under insanitary conditions; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since gums were not declared.

DISPOSITION: 12-12-58. Default—destruction.

25321. Brined pickle products. (Inj. No. 308.)

COMPLAINT FOR INJUNCTION FILED: 2-6-57, Dist. Md., against Walter O. Whitely, owner of a pickle salting plant at Williamsburg, Md.

CHARGE: The complaint alleged that the defendant was engaged in the business of manufacturing, preparing, and distributing brined pickle products (vegetable and fruit), and had been and was, at the time of filing the complaint, introducing and delivering for introduction into interstate commerce, brined pickle products which were adulterated within the meaning of 402(a)(3) by reason of the presence therein of decomposed material and filth including *Dro-*

sophila flies, maggots, larvae, insect eggs, and insect fragments, and within the meaning of 402(a)(4) by reason of preparing, packing, and holding such products under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of innumerable flies in the salt storage room attracted through open doors by dirty, used pickle barrels stored therein; dead and live insects on the salt; the storage of the salt directly on the floor upon which employees walked; the transportation of salt from the storage room to the brine tanks in a dirty wheelbarrow; hundreds of dead insects in the brine tanks containing peppers and watermelon rinds; uncovered or ill-covered brine tanks; employees walking on peppers in the brine tanks; pepper hulls being dropped to the floor and packed without cleansing; and the barreling of peppers containing insects and decomposed peppers.

It was alleged also that the defendant had on hand quantities of brined pickle products which contained filthy and decomposed substances and had been prepared, packed, or held under insanitary conditions.

The complaint alleged further that the defendant was well aware that his activities were in violation of the Act; that various inspections had been made by the Food and Drug Administration at which time the insanitary conditions in the plant had been called to the defendant's attention; that the defendant had been warned by notices of hearing issued on July 28, 1952, March 25, 1953, and November 28, 1956; that despite such warnings the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce, brined pickle products adulterated as described above.

DISPOSITION: 3-18-57. The defendant having consented, the court entered a decree temporarily enjoining and restraining the defendant from causing to be introduced and delivering for introduction into interstate commerce, brined pickle products which are adulterated as alleged in the complaint. The defendant was also enjoined against causing the introduction and delivering for introduction into interstate commerce, of any of the stock of adulterated brined pickle products on hand at the defendant's plant, unless and until such products were cleaned or otherwise processed under the supervision of the Food and Drug Administration and thus brought into compliance with the law.

On 3-16-59, upon motion of the defendant and with the consent of the Government, the court entered an order dissolving the injunction and dismissing the complaint on the grounds that the stock on hand had been satisfactorily reprocessed and the plant premises brought into a suitable condition.

TOMATOES AND TOMATO PRODUCTS

25322. Canned tomatoes. (F.D.C.No. 42244. S. No. 32-309 P.)

QUANTITY: 350 cases, 24 1-lb. cans each, at Elmsford, N.Y.

SHIPPED: 8-26-58, from Eastville, Va., by James & James.

LABEL IN PART: (Can) "Iona Tomatoes * * * The Great Atlantic & Pacific Tea Co., New York, N.Y. Distributors * * * Can Size . . . No. 303."

LIBELED: 10-31-58, S. Dist. N.Y.

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

DISPOSITION: 12-1-58. Default—destruction.