12982. Adulteration of tomato sauce. U. S. v. 769 Cases, etc. (F. D. C. No. 19676. Sample No. 46640–H.)

LIBEL FILED: April 26, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about December 18, 1945, by Libby, McNeill & Libby, Inc., from San Francisco, Calif.

PRODUCT: Tomato sauce. 769 cases, each containing 72 8-ounce cans, and 72 8-ounce cans, in various lots, at Arecibo, Bayamon, Caguas, Guayama, Humacao, Rio Piedras, Vega Baja, and Yabucoa, Puerto Rico.

LABEL, IN PART: "Libby's Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On May 31, 1946, Libby, McNeill & Libby, Inc., appeared and filed a claim and answer. The claimant filed also interrogatories seeking information, among other things, as to the number of samples examined, identification of the samples with the shipment charged, and full details as to the method of analyses and the results.

On June 10, 1946, the Government filed its objections to the interrogatories and a motion to vacate. Thereupon, the matter was submitted to the court on briefs, and on August 9, 1946, the court entered the following order: "The objection of the libellant to the interrogatories propounded by the claimant is sustained, on the ground that the scope of Admiralty Rule 31 is narrowed, in these proceedings, and as to these particular interrogatories by the provisions of Section 304 (b) and (3) of the Federal Food, Drug, and Cosmetic Act."

Thereafter, the answer of the claimant was withdrawn. On October 15, 1947, a decree of condemnation and destruction was entered. On October 21, 1947, however, the claimant having petitioned for the delivery of the product, the decree was amended to permit release of the product to the claimant under bond for the purpose of separating the good from the bad.

On January 28, 1948, a new decree for the disposition of the goods was entered, the terms of which provided for the destruction of the product, with the exception of the cans in one code, which were ordered delivered to the claimant since they had been found by the Food and Drug Administration to be satisfactory.

NUTS AND NUT PRODUCTS

12983. Adulteration of mixed nuts. U. S. v. 33 Boxes * * *. (F. D. C. No. 22610. Sample No. 53957–H.)

LIBEL FILED: March 10, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 4, 1946, by the William A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 33 25-pound boxes of mixed nuts at Cleveland, Ohio.

LABEL, IN PART: "Universal Brand Mixed Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts.

DISPOSITION: July 24, 1947. The William A. Camp Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, by removal of the brazil nuts under the supervision of the Food and Drug Administration.

12984. Adulteration of peanuts. U. S. v. 6 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 24470, 24492. Sample Nos. 6081–K, 6649–K.)

LIBELS FILED: March 3 and 18, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 22 and 24, 1948, by the Columbian Peanut Co., from Norfolk, Va., and Fort Gaines, Ga.

PRODUCT: 6 100-pound bags and 23 120-pound bags of shelled peanuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (23-bag lot) the article consisted in whole or in part of a decomposed substance by reason of the presence of mold and rancid peanuts, and of a filthy substance by reason of