

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6156. Adulteration of frozen brussels sprouts. U. S. v. 150 Cartons of Frozen Brussels Sprouts. Default decree of condemnation and destruction. (F. D. C. No. 12340. Sample No. 70785-F.)

LABEL FILED: May 16, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 16, 1944, by Sacramento Frosted Foods, from Sacramento, Calif.

PRODUCT: Frozen brussels sprouts, 150 cartons, each containing 18 pounds, at Mt. Vernon, Wash.

LABEL IN PART: (Cartons) "Packed By Sacto Frosted Foods Sacramento Cal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: September 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6157. Adulteration of frozen spinach. U. S. v. 63 Cases of Frozen Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12430. Sample No. 60427-F.)

LABEL FILED: May 24, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about April 22, 1944, by the S. A. Moffett Co., from Seattle, Wash.

PRODUCT: 63 cases, each containing 24 cartons, of frozen spinach at Oakland, Calif.

LABEL, IN PART: (Cartons) "Polar Frosted Foods Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

DISPOSITION: July 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS VEGETABLES*

6158. Adulteration of blackeye beans. U. S. v. 7 Bags of Blackeye Beans. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12355. Sample No. 79518-F.)

LABEL FILED: May 10, 1944, District of Columbia.

PRODUCT: 7 100-pound bags of blackeye beans at Washington, D. C., in possession of the Atlantic Hotel Supply Co.

The lot was stored under insanitary conditions. Rodent pellets and urine stains were found on the bags. Examination of samples showed that the beans had been contaminated with rodent urine and contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

6159. Misbranding of onions. U. S. v. Justman-Frankenthal Company and Howard William Grimsley. Pleas of guilty. Each defendant fined \$175. (F. D. C. No. 11401. Sample Nos. 23482-F, 41116-F, 56343-F, 57904-F to 57906-F, incl., 57912-F, 57913-F.)

INFORMATION FILED: On June 16, 1944, in the District of Colorado, against the Justman-Frankenthal Co., a partnership, and Howard W. Grimsley, an individual, Crowley and Ordway, Colo.

ALLEGED SHIPMENT: From on or about October 8 to 13, 1943, from the State of Colorado into the States of Pennsylvania, New York, Illinois, Louisiana, New Jersey, and Kentucky.

*See also No. 6009.

LABEL, IN PART: "Scoop [or "Scoop Brand"] Onions 50 lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "50 Lbs.," or "50 Lbs. Net," borne on the sacks, were false and misleading because the product was short-weight; and, Section 403 (e) (2), in that the article was in package form and its label failed to bear an accurate statement of the quantity of the contents since the sacks contained less than the "50 Lbs." declared.

DISPOSITION: July 1, 1944. Pleas of guilty having been entered, each defendant was fined \$25 on each of the 7 counts, a total fine of \$350.

6160. Adulteration of green split peas. U. S. v. 13 Bags of Green Split Peas. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 12300. Sample No. 79506-F.)

LABEL FILED: May 1, 1944, District of Columbia.

PRODUCT: 13 100-pound bags of peas at Washington, D. C., in possession of M. E. Horton, Inc.

The product was stored under insanitary conditions. Rat pellets were scattered all over and around the storage, and some of the bags had been torn by rodents. Examination of samples showed that the product contained rodent hairs and insect fragments and was contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use and not for sale.

6161. Adulteration of split peas. U. S. v. 410 Sacks of Yellow Split Peas. Decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 12501. Sample No. 60051-F.)

LABEL FILED: June 7, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 28, 1944, from Lewiston, Idaho, to San Francisco, Calif.

PRODUCT: 410 sacks of yellow split peas in possession of the Central Warehouse & Drayage Co., San Francisco, Calif.

The lot was stored, after shipment, under insanitary conditions. Some of the bags had been chewed by rodents, and rodent excreta and urine stains were found on the bags. Examination of samples showed that the product contained rodent hairs and had been contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and contamination with rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 22, 1944. The Central Warehouse & Drayage Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

6162. Misbranding of potatoes. U. S. v. George L. Higgins and Roy L. Higgins (Higgins Potato Co.). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 11395. Sample No. 47278-F.)

INFORMATION FILED: June 20, 1944, in the District of North Dakota, against George L. Higgins, and Roy L. Higgins, trading as the Higgins Potato Co., Grand Forks, N. Dak.

ALLEGED SHIPMENT: On or about September 18, 1943, from the State of North Dakota into the State of Tennessee.

LABEL, IN PART: (Sacks) "Valley Pride Table Seed Genuine Red River Valley Potatoes."