

NUTS AND NUT PRODUCTS*

6537. Adulteration of almonds. U. S. v. 2 Bags and 11 Bags of Almonds. Default decree of condemnation and destruction. (F. D. C. No. 12146. Sample Nos. 76910-F, 76911-F.)

LIBEL FILED: April 5, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Hershey Chocolate Corporation, Hershey, Pa.

PRODUCT: 2 bags (293 pounds) labeled in part "Almond Chips," and 11 bags (1,543 pounds) labeled in part "Reject Almonds."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (2-bag lot) the product was unfit for food because of the presence of shriveled, worthless almonds and pieces of shell; (11-bag lot) the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of insect-infested, rancid, decomposed, and shriveled almonds; Section 402 (b) (2), (2-bag lot) shriveled almonds and pieces of shell had been substituted for almonds, which the article was represented to be; and, Section 402 (b) (4), shell fragments had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: May 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6538. Adulteration of unshelled almonds. U. S. v. 14 Bags and 106 Bags of Almonds. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 11635, 13649. Sample Nos. 30038-F, 50094-F.)

LIBELS FILED: February 2 and September 11, 1944, Western Districts of Washington and New York.

ALLEGED SHIPMENT: On or about November 27 and December 10, 1943, by Rosenberg Bros. & Co., from Oakland and San Francisco, Calif.

PRODUCT: 106 80-pound bags of almonds at Seattle, Wash., and 14 25-pound bags of almonds at Olean, N. Y.

LABEL, IN PART: "Ensign Brand California Nonpareil Almonds."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), (Seattle lot) the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, shriveled, decomposed, and moldy almonds; and (Olean lot) it consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of the presence of larvae and shriveled almonds.

DISPOSITION: March 2, 1944. Rosenberg Brothers & Co., claimant for the Seattle lot, 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 law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. No claimant having appeared for the Olean lot, judgment of condemnation was entered on October 9, 1944, and that lot was ordered destroyed.

6539. Adulteration of Brazil nut pieces. U. S. v. 2 Cartons of Brazil Nut Pieces. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 11942. Sample No. 58730-F.)

LIBEL FILED: March 1, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about January 22, 1944, by the Virginia Peanut Co., from Baltimore, Md.

PRODUCT: 2 33-pound cartons of Brazil nut pieces, at Washington, D. C.

LABEL, IN PART: "Brazil Pcs" or "Pieces * * * Packed by T. M. Duche & Sons, Inc. New York."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hair fragments, insect fragments, larvae, and rancid nut meats.

DISPOSITION: April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park.

*See also Nos. 6415, 6416, and 6588.