

PRODUCT: 71 bags, each containing 75 pounds, of pinon nuts at Los Angeles, Calif.

LABEL, IN PART: "Pinon Nuts Fancy Recleaned."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

DISPOSITION: March 22, 1949. Jacob Glasser, trading as Torn & Glasser, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The seized nuts, 5,325 pounds, were cleaned, resulting in the recovery of 5,100 pounds of clean nuts.

14484. Adulteration of pinon nuts. U. S. v. 4 Bags * * *. (F. D. C. No. 26843. Sample No. 30731-K.)

LIBEL FILED: March 9, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about January 5, 1949, by K & S Food Store, Inc., from Gallup, N. Mex.

PRODUCT: 4 100-pound bags of pinon nuts at Los Angeles, Calif.

LABEL, IN PART: "Pinon Nuts Fancy Recleaned."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

DISPOSITION: April 11, 1949. Default decree of condemnation and destruction.

14485. Adulteration of walnuts. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Plea of not guilty. Tried to the court. Fine \$2,000 and imprisonment for 2 years. Prison sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 24780. Sample Nos. 24139-K, 24325-K.)

INFORMATION FILED: June 25, 1948, Southern District of California, against Louis Groobman, trading as the Whittier Walnut Packing Co., El Monte, Calif.

ALLEGED SHIPMENT: On or about December 8, 1947, from the State of California into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, insect excreta, moth, scales, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On November 4 and 5, 1948, the case was tried before the court without a jury, and the defendant was found guilty. The defendant thereupon filed a motion to set aside the judgment of conviction on the grounds that certain standards for walnuts established by the Department of Agriculture, prescribed tolerances; that the tolerances so established were inconsistent with the requirements of the Federal Food, Drug, and Cosmetic Act; and that the Department of Agriculture standards should govern. This motion was overruled.

On December 6, 1948, the court imposed a fine of \$2,000 and a sentence of 1 year on each of the 2 counts, the sentence to run consecutively. The prison sentence was suspended and the defendant was placed on probation for a period of 5 years, conditioned that he violate no laws and, further, that he

immediately suspend operations and cease to ship, pack, or receive any nuts in commerce until he had cleaned up his plant and made it sanitary and rat proof. Subsequently, the court allowed the claimant to dispose of his stock on hand in compliance with the law, under the supervision of the Food and Drug Administration.

14486. Adulteration of walnuts. U. S. v. 79 Bags * * *. (F. D. C. No. 26671. Sample No. 7922-K.)

LIBEL FILED: March 2, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 22, 1946, from Los Angeles, Calif.

PRODUCT: 79 100-pound bags of walnuts at Pittsburgh, Pa.

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 mold. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 31, 1949. Default decree of condemnation and destruction.

14487. Adulteration of walnuts. U. S. v. 328 Cartons * * *. (F. D. C. No. 26497. Sample No. 7907-K.)

LIBEL FILED: February 3, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 1, 1946, from Chico, Calif.

PRODUCT: 328 25-pound cartons of walnuts at Pittsburgh, Pa.

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 walnuts. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 25, 1949. Default decree of condemnation and destruction.

14488. Misbranding of shredded coconut. U. S. v. Export Sales Corp. and Morris Simon. Plea of not guilty. Tried to the jury. Verdict of guilty. Fine of \$1,500, payable by either defendant. (F. D. C. No. 24061. Sample Nos. 55235-H, 55238-H, 55532-H, 55533-H, 85712-H.)

INFORMATION FILED: March 23, 1948, Southern District of Florida, against the Export Sales Corp., Miami, Fla., and Morris Simon, president and manager.

ALLEGED SHIPMENT: On or about June 4, 9, 12, and 23, 1947, from the State of Florida into the States of Georgia and North Carolina and the District of Columbia.

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), (all shipments) the product was fabricated from two or more ingredients, and its label failed to bear a statement containing the common or usual name of each such ingredient; and, Section 403 (b), (some shipments) a mixture of granulated sugar (approximately 70%), dried grated coconut, and salt was offered for sale under the name of another food, coconut (4 of the 5 shipments were invoiced, variously, "Imported Coconut," "Imported Sweetened Coconut," or "Sweetened Coconut").

DISPOSITION: October 28, 1948. Pleas of not guilty having been entered, the case was tried before a jury, which returned a verdict of guilty. A fine of \$1,500 was imposed, payable \$300 every four months by either defendant.