

**LIBEL FILED:** On or about April 5, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 7, 1948, by Brady Tomatoes, Inc., from Martinsville, Ind.

**PRODUCT:** 97 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

**LABEL, IN PART:** "Richelieu Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional ingredients present, as required by the standard, since it failed to reveal the presence therein of added calcium salts.

**DISPOSITION:** June 7, 1949. Default decree of condemnation and destruction.

**14889. Adulteration of tomato puree. U. S. v. 576 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 26078, 26098, 26127. Sample Nos. 47988-K, 48077-K, 48078-K.)

**LIBELS FILED:** November 22 and 24 and December 13, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 16 and 17, 1948, by Cedar Lake Canning Co., Inc., from Cedarville, N. J.

**PRODUCT:** Canned tomato puree. 576 cases at Allentown, Pa., 319 cases at Philadelphia, Pa., and 180 cases at Primos, Pa.

**LABEL, IN PART:** "Cedar Lake Tomato Puree."

**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 fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** June 29, 1949. The cases having been consolidated and the Cedar Lake Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond, to be converted into stock feed under the supervision of the Food and Drug Administration.

**14890. Adulteration of tomato catsup and tomato puree. U. S. v. 72 Cases, etc. (and 1 other seizure action).** (F. D. C. Nos. 26897, 26902. Sample Nos. 6183-K, 46249-K.)

**LIBELS FILED:** March 25 and 30, 1949, Eastern District of Missouri and Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 24 and February 16, 1949, by the Sardik Food Products Corp., from Shirley and Middletown, Ind.

**PRODUCT:** 172 cases, each containing 6 7-pound cans, of tomato catsup at St. Louis, Mo., and 116 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Pittsburgh, Pa.

**LABEL, IN PART:** "Laural Brand Tomato Catsup" or "Sexton Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: April 22 and 28, 1949. Default decrees of condemnation and destruction.

**14891. Adulteration of tomato catsup. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 26864. Sample No. 46466-K.)**

**LIBEL FILED:** On or about March 17, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 20, 1949, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 86 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Louis, Mo.

**LABEL, IN PART:** "Sweet Home Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 5, 1949. Default decree of condemnation and destruction.

## NUTS

**14892. Adulteration of shelled pecans. U. S. v. R. E. Funsten Co. Plea of nolo contendere. Fine, \$575. (F. D. C. No. 26759. Sample Nos. 1081-K, 1082-K, 10127-K, 15248-K, 15249-K.)**

**INFORMATION FILED:** April 15, 1949, Eastern District of Missouri, against the R. E. Funsten Co., a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** Between the approximate dates of October 28 and November 20, 1948, from the State of Missouri into the States of Florida, Indiana, New Jersey, and Illinois.

**LABEL, IN PART:** "Funsten's Select Medium [or "Small"] Pecan Pieces," "Funsten's Select Pecan Halves," or "Funsten's Shelled Pecans Select Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair fragments, and feather fragments, and by reason of the presence (portion of product) of *Escherichia coli*, an organism indicating fecal pollution; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 29, 1949. A plea of nolo contendere having been entered, the defendant was fined \$575.

**14893. Adulteration of peanuts. U. S. v. 31 Bags \* \* \*. (F. D. C. No. 25418. Sample No. 44409-K.)**

**LIBEL FILED:** August 26, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 9, 1948, from Suffolk, Va.

**PRODUCT:** 31 100-pound bags of peanuts at Portsmouth, Ohio.

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 insect-infested nuts. The product was adulterated while held for sale after shipment in interstate commerce.