

**LIBEL FILED:** The products were imported from various foreign countries, and the dates of importation are not known.

**PRODUCT:** 3 350-pound bags and 3 115-pound bags of garbanzos (chick-peas), 1 75-pound bag of chocolate fragments, 1 25-pound bag of clove sweepings, 5 165-pound bags of cumin seed, and 4 140-pound bags of cocoa beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), a portion of the garbanzos, chocolate fragments, and cumin seed consisted in whole or in part of filthy substances by reason of the presence of insects; the clove sweepings consisted in whole or in part of filthy substances by reason of the presence of wood splinters, matted dirt, insects, and other miscellaneous debris; and the remainder of the garbanzos and the cocoa beans consisted in whole or in part of a decomposed substance by reason of the presence of mold. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 20, 1951. Default decree of condemnation and destruction,

### TOMATOES AND TOMATO PRODUCTS

**17785. Misbranding of canned tomatoes. U. S. v. 348 Cases \* \* \*. (F. D. C. No. 31463. Sample No. 24792-L.)**

**LIBEL FILED:** August 9, 1951, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 23, 1951, by the Choptank Packing Co., from Choptank, Md.

**PRODUCT:** 348 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Scranton, Pa.

**LABEL, IN PART:** (Can) "Pine Cone Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to comply with the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear, as specified by the regulations, a statement that the product fell below the standard.

**DISPOSITION:** September 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution. (Only 17 cases and 16 cans were seized.)

**17786. Adulteration of tomato juice. U. S. v. Clyde Canning Co. and George Nestra. Pleas of guilty. Partnership fined \$225 and individual defendant \$75, together with costs. (F. D. C. No. 31114. Sample Nos. 10324-L, 10330-L, 10331-L.)**

**INFORMATION FILED:** August 2, 1951, Northern District of Ohio, against the Clyde Canning Co., a partnership, Clyde, Ohio, and George Nestra, a partner.

**ALLEGED SHIPMENT:** Between the approximate dates of September 17, 1950, and February 12, 1951, from the State of Ohio into the State of Michigan.

**LABEL, IN PART:** "Defiance Tomato Juice \* \* \* Distributed by Associated Food Distributors, Inc. Main Office Coldwater, Mich. Michigan Indiana Ohio."

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

**DISPOSITION:** August 13, 1951. Pleas of guilty having been entered, the partnership was fined \$225 and the individual defendant \$75, together with costs.