

**ALLEGED SHIPMENT:** On or about April 17, 1951, from New York, N. Y.

**PRODUCT:** 64 cases, each containing 50 30-ounce cans, of tomato paste at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was undergoing progressive spoilage. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 6, 1951. Decree of condemnation and destruction.

**18340. Adulteration of tomato puree. U. S. v. 149 Cases \* \* \*. (F. D. C. No. 31974. Sample No. 26374-L.)**

**LIBEL FILED:** November 1, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 12, 1951, by Morris April Bros., from Tuckahoe, N. J.

**PRODUCT:** 149 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** "Arthur Brand Fancy 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 maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 11, 1951. Default decree of condemnation and destruction.

**18341. Adulteration of tomato puree. U. S. v. 8 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 32035, 32036. Sample Nos. 7862-L, 7864-L.)**

**LIBELS FILED:** October 22, 1951, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 23, 1951, from Portugal.

**PRODUCT:** 27 cases, each containing 10 cans, of tomato puree at Buffalo, N. Y.

**LABEL, IN PART:** "Tomato Puree Gross Weight Ab. 5 Kg."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was undergoing progressive spoilage. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 20, 1951. Default decrees of condemnation and destruction.

**18342. Misbranding of tomato juice. U. S. v. 80 Cases \* \* \*. (F. D. C. No. 32063. Sample No. 18992-L.)**

**LIBEL FILED:** November 2, 1951, District of South Dakota.

**ALLEGED SHIPMENT:** On or about September 10, 1951, by Dwan's Home Canned Products, St. Joseph, Mich.

**PRODUCT:** 80 cases, each containing 12 cans, of tomato juice at Sioux Falls, S. Dak.

**LABEL, IN PART:** "Red & White Brand Tomato Juice Contents 1 Quart 14 Flu. Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "1 Quart 14 Flu. Ozs."

**DISPOSITION:** December 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

## NUTS

**18343. Adulteration of shelled almonds. U. S. v. 50 Bags \* \* \*. (F. D. C. No. 32074. Sample No. 27093-L.)**

**LABEL FILED:** November 7, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 23, 1951, from New York, N. Y.

**PRODUCT:** 50 110-pound bags of shelled almonds at San Francisco, Calif.

**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 insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 27, 1951. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Salvaging operations were not feasible, and the entire lot was destroyed.

**18344. Adulteration of brazil nuts. U. S. v. 2 Cans \* \* \*. (F. D. C. No. 32071. Sample No. 16208-L.)**

**LABEL FILED:** November 13, 1951, District of Nebraska.

**ALLEGED SHIPMENT:** On or about July 18, 1951, from New York, N. Y.

**PRODUCT:** 2 33-pound cans of brazil nuts at Omaha, Nebr.

**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 insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 7, 1951. Default decree of condemnation and destruction.

**18345. Adulteration of pecan pieces. U. S. v. 1 Box \* \* \*. (F. D. C. No. 32116. Sample No. 34933-L.)**

**LABEL FILED:** November 21, 1951, District of North Dakota.

**ALLEGED SHIPMENT:** On or about June 7, 1951, from St. Louis, Mo.

**PRODUCT:** 1 30-pound box of pecan pieces at Devils Lake, N. Dak.

**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 insects. The product was adulterated while held for sale after shipment in interstate commerce.