

The amount of water used in the vessel into which the oysters were shucked was more than that permitted, and the oysters were in contact with water for more than 30 minutes after leaving the shucker.

DISPOSITION: February 16, 1952. A default decree of condemnation was entered, and the court ordered that the product be delivered to a charitable organization.

FRUITS AND VEGETABLES

DRIED FRUIT*

19169. Adulteration of pitted dates. U. S. v. Seng Terminal Warehouse Co. Plea of guilty. Fine, \$1,000, plus costs. (F. D. C. No. 32792. Sample No. 33854-L.)

INFORMATION FILED: September 4, 1952, Northern District of Illinois, against the Seng Terminal Warehouse Co., Chicago, Ill.

ALLEGED VIOLATION: On November 21, 1951, the defendants received at Chicago, Ill., a number of boxes of pitted dates which had been shipped from New York, N. Y.

Within the period from on or about November 21, 1951, to on or about March 5, 1952, while the dates were being held for sale after shipment in interstate commerce, the defendant placed the dates in a building that was accessible to rodents and infested with rodents, and caused the food to be exposed to contamination by rodents.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed dates; and, Section 402 (a) (4), it was held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1952. A plea of guilty having been entered, the court fined the defendant \$1,000 and costs.

FRUIT BUTTER AND PRESERVES

19170. Adulteration of apple butter. U. S. v. Salomo Food Products Co. and Arthur H. Pieske and Frank Kuhlman. Pleas of nolo contendere. Corporation fined \$600 and costs; each individual defendant fined \$200. (F. D. C. No. 32765. Sample Nos. 31335-L, 31336-L.)

INFORMATION FILED: March 26, 1952, Eastern District of Missouri, against the Salomo Food Products Co., a corporation, St. Louis, Mo., and Arthur H. Pieske, president, and Frank Kuhlman, secretary-treasurer.

ALLEGED SHIPMENT: On or about October 9 and November 1, 1951, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "C. W. Pure Apple Butter * * * Distributed by Tri-City Grocery Co. Granite City, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae head capsules, mites, rodent hair and insect fragments, fly eggs, fruit fly heads, feather barbules, and fly maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

*See also No. 19156.

DISPOSITION: April 4, 1952. Pleas of nolo contendere having been entered, the court fined the corporation \$600, plus costs, and each individual defendant \$200.

19171. Misbranding of preserves. U. S. v. 16 Cases, etc. (F. D. C. No. 33347. Sample Nos. 29228-L to 29230-L, incl., 29330-L to 29332-L, incl., 29334-L.)

LIBEL FILED: July 28, 1952, Eastern District of Washington.

ALLEGED SHIPMENT: Between the approximate dates of March 21 and June 5, 1952, by the Oswego Jelly Co., from Oswego, Oreg.

PRODUCT: 57 cases, each containing 24 12-ounce jars, of preserves at Spokane, Wash.

LABEL, IN PART: "Oregon Hills Brand Pure Strawberry [or "Seedless Black-cap," "Mountain Wild Blackberry," or "Tomatoe"] Preserves."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for fruit preserves since they were not concentrated by heat to such a point that the soluble solids content of the finished preserves was not less than 68 percent, and since the tomato preserves contained added artificial coloring, which is not permitted as an ingredient in the standard; and, Section 403 (k), the tomato preserves contained added artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: August 7, 1952. The shipper, 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 reprocessed and relabeled, under the supervision of the Federal Security Agency.

VEGETABLES AND VEGETABLE PRODUCTS*

19172. Adulteration of dried black-eyed beans and dried lima beans. U. S. v. 40 Bags * * * (and 1 other seizure action). (F. D. C. No. 31622. Sample Nos. 29474-L, 30047-L.)

LIBELS FILED: On or about August 15, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about March 25 and April 6, 1951, from San Francisco and Sacramento, Calif.

PRODUCT: 40 100-pound bags of dried black-eyed beans and 16 100-pound bags of dried lima beans at Seattle, Wash., in the possession of the Ames Terminal Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine and rodent hairs; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 24, 1952. Default decrees of condemnation. The court ordered that the products be delivered to an institution, for use as animal feed.

19173. Adulteration of dried lima beans and dried small white beans. U. S. v. 159 Bags * * * (and 2 other seizure actions). (F. D. C. No. 31612. Sample Nos. 30044-L to 30046-L, incl.)

*See also No. 19155.