

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets, live insects, insect-damaged peas, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 16, 1953. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

20827. Misbranding of canned tomatoes. U. S. v. 998 Cases * * *. (F. D. C. No. 35206. Sample No. 44620-L.)

LABEL FILED: April 27, 1953, District of Maine.

ALLEGED SHIPMENT: On or about March 30, 1953, by the Hopewell Canning Co., from Hopewell, Md.

PRODUCT: 998 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portland, Maine.

LABEL, IN PART: (Can) "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: May 28, 1953. The Hopewell Canning Co., 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 for relabeling under the supervision of the Department of Health, Education, and Welfare.

20828. Misbranding of canned tomatoes. U. S. v. 898 Cases * * *. (F. D. C. No. 35207. Sample No. 6701-L.)

LABEL FILED: April 24, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 18, 1953, by the Hopewell Canning Co., from Hopewell, Md.

PRODUCT: 898 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Somerville, Mass.

LABEL, IN PART: (Can) "Iona Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: May 28, 1953. The Hopewell Canning Co., 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 for relabeling under the supervision of the Department of Health, Education, and Welfare.

20829. Adulteration of tomato juice. U. S. v. H. C. Hemingway & Co. Plea of guilty. Fine, \$600. (F. D. C. No. 35109. Sample Nos. 8257-L, 44740-L, 54213-L.)

INFORMATION FILED: July 21, 1953, Western District of New York, against H. C. Hemingway & Co., a corporation, doing business at Auburn and Clyde, N. Y.

ALLEGED SHIPMENT: On or about October 2, 17, and 29, 1952, from the State of New York into the States of Michigan, West Virginia, and Massachusetts.

LABEL, IN PART: (Can) "Alpine Tomato Juice Contents 1 qt. 14 fl. oz.," "IGA Tomato Juice Contents 1 qt. 14 fl. oz. Packed for Independent Grocers Alliance Distributing Company," and "Ken-more Brand Tomato Juice Contents 1 qt. 14 fl. oz. Packed for Kennedy & Co., Inc. S. K. Ames, Inc. Cambridge, Mass."

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

DISPOSITION: August 31, 1953. The defendant having entered a plea of guilty, the court fined it \$600.

20830. Adulteration of tomato paste. U. S. v. 19,976 Cans * * *. (F. D. C. No. 35213. Sample No. 73331-L.)

LIBEL FILED: May 8, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: The product was imported from a foreign country on a date unknown.

PRODUCT: 19,976 14½-ounce cans of tomato paste at Philadelphia, Pa.

LABEL, IN PART: (Can) "Gschwindt Extrait De Tomates * * * Hungarian Tomato Paste" or "Aureol Suritett Paradicsom * * * High Concentrated Hungarian Tomato Paste * * * Hungarian Product."

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 decomposed tomato material.

DISPOSITION: June 24, 1953. Default decree of condemnation and destruction.

NUTS*

20831. Adulteration of cashew nuts. U. S. v. 5 Tins * * *. (F. D. C. No. 35076. Sample No. 54663-L.)

LIBEL FILED: June 11, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 16, 1953, from New York, N. Y.

PRODUCT: 5 25-pound tins of cashew nuts at Bay City, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 20, 1953. Default decree of condemnation and destruction.

20832. Adulteration of shelled peanuts. U. S. v. 53 Bags * * *. (F. D. C. No. 35083. Sample No. 65104-L.)

LIBEL FILED: June 10, 1953, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about May 6, 1953, from Franklin, Va.

PRODUCT: 53 100-pound bags of shelled peanuts at Madison, Wis., in the possession of Red Dot Foods, Inc.

*See also No. 20807.