

**21137. Adulteration of green olives with peppers. U. S. v. 28 Barrels \* \* \*.**  
(F. D. C. No. 36340. Sample No. 82748-L.)

**LIBEL FILED:** March 3, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 12 and April 14, 1953, by James E. Fox & Co., Inc., from New York, N. Y.

**PRODUCT:** 28 barrels, each containing 48 gallons, of green olives with peppers at McKees Rocks, Pa.

**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 insect-damaged olives.

**DISPOSITION:** April 9, 1954. Default decree of condemnation and destruction.

**21138. Adulteration of olives with pimento. U. S. v. 195 Cases, etc. (F. D. C. No. 36261. Sample Nos. 62447-L to 62449-L, incl., 62668-L to 62670-L, incl.)**

**LIBEL FILED:** December 22, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 5, March 21 and 27, and May 21, 1953, from Seville, Spain.

**PRODUCT:** 195 cases, each containing 24 10-ounce jars, and 386 cases, each containing 12 1-pound, 5-ounce jars, of olives with pimento at St. Louis, Mo.

**RESULTS OF INVESTIGATION:** The product, after its arrival at St. Louis, was repackaged by the A. C. L. Haase Co.

**LABEL, IN PART:** (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimento."

**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 insect-infested and insect-damaged olives; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 25, 1954. Default decree of condemnation and destruction.

### TOMATOES

**21139. Adulteration of canned tomatoes. U. S. v. 328 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35631, 36672. Sample Nos. 39356-L, 39359-L.)**

**LIBELS FILED:** September 16 and 29, 1953, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 10 and 15, 1953, by the Hynson Canning Co., from Federalsburg, Md.

**PRODUCT:** 1,054 cases, each containing 24 cans, of tomatoes at Norfolk, Va.

**LABEL, IN PART:** (Can) "Bulow Tomatoes Contents 1 Lb." and "Hi-Sun Tomatoes Contents 1 lb. Packed in U. S. A. Distributed by Hynson Canning Co. Federalsburg, Md."

**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:** February 16, 1954. The Hynson Canning Co., claimant, having filed an answer, but having failed to pursue the matter further, and it appearing to the court that the product was adulterated as alleged in the libels, judgments of condemnation were entered. The court ordered that the product be delivered to a Federal or State institution, for use as animal feed.

**21140. Adulteration of canned tomatoes. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 35632. Sample No. 73730-L.)**

**LIBEL FILED:** September 14, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1953, by Thomas Roberts & Co., Inc., from Hynson, Md.

**PRODUCT:** 98 cases, each containing 6 cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Bulow Tomatoes Contents 1 Lb."

**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:** March 24, 1954. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**21141. Adulteration of unshelled filberts. U. S. v. 195 Bags \* \* \*. (F. D. C. No. 36312. Sample No. 76109-L.)**

**LIBEL FILED:** February 9, 1954, District of Idaho.

**ALLEGED SHIPMENT:** Sometime during 1951 and 1952, from the State of Oregon.

**PRODUCT:** 195 60-pound bags of unshelled filberts at Boise, Idaho.

**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 wormy filberts, and of a decomposed substance by reason of the presence of moldy filberts; and the article was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 13, 1954. Idaho Food Products, Inc., Boise, Idaho, claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for segregation of the unfit portion, under the supervision of the Food and Drug Administration. 1,358 pounds of the product were found unfit and were destroyed.

**21142. Adulteration of pecan pieces and pecan meal. U. S. v. 17 Cartons, etc. (F. D. C. No. 36206. Sample Nos. 84607-L to 84609-L, incl.)**

**LIBEL FILED:** December 23, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 27 and September 5, 1953, from Albany, Ga.

**PRODUCT:** 40 30-pound cartons of pecan pieces and 23 30-pound cartons of pecan meal at Philadelphia, Pa.