

**CHARGE:** 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-22-55. Default—converted to animal feed.

**22907. Green split peas.** (F. D. C. No. 38641. S. No. 29-428 M.)

**QUANTITY:** 25 100-lb. bags at New York, N. Y.

**SHIPPED:** 2-24-55, from Chicago, Ill.

**LIBELED:** 10-19-55, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-14-55. Consent—claimed by Embassy Grocery Corp., New York, N. Y. Segregated, 46 lbs. denatured.

**22908. Green split peas and yellow split peas.** (F. D. C. No. 38642. S. Nos. 29-429/30 M.)

**QUANTITY:** 200 25-lb. bags of green split peas and 60 100-lb. bags of yellow split peas at New York, N. Y.

**SHIPPED:** 3-25-55, from Spokane, Wash.

**LIBELED:** 10-19-55, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-7-55. Consent—claimed by Spokane Seed Co., Spokane, Wash. Segregated, 104 lbs. destroyed.

### TOMATOES AND TOMATO PRODUCTS

**22909. Canned tomato products.** (Inj. No. 297.)

**COMPLAINT FOR INJUNCTION FILED:** 1-20-56, S. Dist. Calif., against Pure Foods Corp., Gardena, Calif., Joseph Fisch, president, and Harold Fisch, secretary-treasurer and general manager, to enjoin the interstate shipment of adulterated canned tomato products.

**CHARGE:** The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of buying, storing, preparing, processing, packing, holding, selling, and transporting tomatoes and canned tomato products; that in the conduct of the business in the 1955 canning season, the defendants had failed to sort and trim incoming raw tomato stocks adequately to remove rotten, moldy, and sour tomato material and had failed to maintain sanitary safeguards during storage and processing, namely, they had allowed many large cans of garbage to accumulate and to be held close to stocks of incoming raw material and had failed to keep their plant clean of discarded tomato refuse, with the result that large numbers of fruit flies and house flies were present and had infested the tomatoes during all stages of storage and processing; and, that consequently, the finished products contained rotten, moldy, and sour tomato material, fly eggs, insect fragments, and maggots.

The complaint alleged further that the defendants possessed stocks of canned tomato products stored in Gardena, Calif., in excess of 10,000 cases and additional stocks stored in warehouses, the location of which the defendants had refused to divulge; that the defendants had caused to be introduced and delivered for introduction into interstate commerce canned tomato products which were adulterated within the meaning of 402 (a) (3) because of the presence therein of rotten, moldy, and sour tomatoes, fly eggs, insect frag-

ments, and maggots, and within the meaning of 402 (a) (4) because they were prepared, packed, and held under insanitary conditions; that inspections made at the defendants' plant and warehouses at Gardena, Calif., by inspectors of the Food and Drug Administration revealed the existence of insanitary conditions and inadequate sorting and trimming practices, which conditions were brought to the attention of the defendants both orally and in writing; and, that despite such warnings, there was no improvement of these objectionable conditions and practices.

The complaint alleged also that an interstate shipment of the defendants' products had been seized in November 1955, and that a number of other seizure actions had been filed or were in the process of being filed; and, that the defendants would, unless restrained, continue to use interstate channels for the sale and distribution of adulterated canned tomato products.

**DISPOSITION:** On 1-20-56, the court issued a temporary restraining order enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce canned tomato juice, tomato puree, tomato paste, or any other tomato products adulterated as described in the complaint. The temporary restraining order also directed the defendants to disclose to a duly authorized representative of the Food and Drug Administration, upon request, a complete inventory of canned tomato products, sold or unsold, in their possession or in the custody of other persons. This order remained in effect until 3-23-56, when, the defendants having consented to the entry of a decree and the court having adopted the statutory definitions of the word "adulterated," the court issued an injunction permanently enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce any canned tomato juice, tomato puree, tomato paste, or any other tomato product adulterated within the meaning of 402 (a) (3) and (4).

**22910. Canned tomatoes.** (F. D. C. No. 38671. S. No. 36-601 M.)

**QUANTITY:** 760 cases, 24 cans each, at Bronx, N. Y.

**SHIPPED:** 9-15-55, from Threeway, Va., by Belmont Canning Co.

**LABEL IN PART:** (Can) "Pride Of The Farm Brand Contents 1 Lb. Peeled Tomatoes."

**LIBELED:** 11-29-55, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material.

**DISPOSITION:** 1-13-56. Default—destruction.

**22911. Canned tomatoes.** (F. D. C. No. 38703. S. No. 36-992 M.)

**QUANTITY:** 461 cases, 6 6-lb., 6-oz. cans each, at New York, N. Y.

**SHIPPED:** 9-3-55, from King George, Va., by Mount Rose Canning Co.

**LABEL IN PART:** (Can) "Embcu Brand Tomatoes."

**LIBELED:** 12-1-55, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 1-13-56. Default—destruction.