

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.