

CHARGE: 402(a) (3)—contained insects and insect-damaged peas while held for sale.

DISPOSITION: 11-3-58. Default—destruction.

25311. Dried green split peas. (F.D.C. No. 42254. S. No. 31-840 P.)

QUANTITY: 36 100-lb. bags at Union, N.J.

SHIPPED: 6-6-58, from Denver, Colo.

LIBELED: 10-28-58, Dist. N.J.

CHARGE: 402(a) (3)—contained insect larvae and insect excreta while held for sale.

DISPOSITION: 12-8-58. Default—destruction.

25312. Lettuce. (F.D.C. No. 42208. S. No. 22-839 P.)

QUANTITY: 959 ctns. at New York, N.Y.

SHIPPED: 9-18-58, from Willcox, Ariz., by Gold Badge Farms.

LABEL IN PART: "Two Dozen * * * Westward Ho Quality Lettuce * * * Gold Badge Farms, Growers, Shippers, Packers, Phoenix, Ariz * * * Willcox."

LIBELED: 9-29-58, S. Dist. N.Y.

CHARGE: 402(a) (2)—when shipped, the article contained poisonous and deleterious substances, namely, parathion and a fluorine compound, which are unsafe within the meaning of 408 since the quantity of parathion and fluorine compound contained in the article exceeded the tolerances for such pesticide chemicals on lettuce.

DISPOSITION: 10-14-58. Default—destruction.

25313. Frozen field peas with snaps. (Inj. No. 322.)

COMPLAINT FOR INJUNCTION FILED: 11-21-57, M. Dist. Ga., against Southern Frozen Foods, Inc., a corporation, Montezuma, Ga., and William H. McKenzie, Jr., president.

CHARGE: The complaint alleged that the defendants were engaged at Montezuma, Ga., in the business of preparing, packing, and distributing frozen field peas with snaps, and had been and were introducing and causing to be introduced into interstate commerce, field peas with snaps which were adulterated within the meaning of 402(a) (3) and (4) by reason of the presence of corn ear worms, fall army worms, and insect-damaged peas; and by reason of being prepared and packed under insanitary conditions at defendants' plant in Montezuma, Ga.

It was alleged further that the insanitary conditions resulted from and consisted of a plant which was unscreened and open to insects and animals; the presence of house flies in the plant and in and around the equipment used for preparing and packing the frozen field peas with snaps.

It was alleged also that the defendants had on hand in a warehouse in Columbus, Ga., 1,466 cases, 24 10-oz. pkgs. each, of frozen field peas with snaps which would in the usual and ordinary course of business be shipped in interstate commerce, and that such article constituted a menace to interstate commerce, in that it was adulterated as described above.

The complaint alleged further that the defendants were well aware that their acts were violative of the law; that various inspections had been made of the defendants' plant by representatives of the Food and Drug Administration, at which times the defendants had been warned against the interstate