

*sophila* flies, maggots, larvae, insect eggs, and insect fragments, and within the meaning of 402(a) (4) by reason of preparing, packing, and holding such products under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of innumerable flies in the salt storage room attracted through open doors by dirty, used pickle barrels stored therein; dead and live insects on the salt; the storage of the salt directly on the floor upon which employees walked; the transportation of salt from the storage room to the brine tanks in a dirty wheelbarrow; hundreds of dead insects in the brine tanks containing peppers and watermelon rinds; uncovered or ill-covered brine tanks; employees walking on peppers in the brine tanks; pepper hulls being dropped to the floor and packed without cleansing; and the barreling of peppers containing insects and decomposed peppers.

It was alleged also that the defendant had on hand quantities of brined pickle products which contained filthy and decomposed substances and had been prepared, packed, or held under insanitary conditions.

The complaint alleged further that the defendant was well aware that his activities were in violation of the Act; that various inspections had been made by the Food and Drug Administration at which time the insanitary conditions in the plant had been called to the defendant's attention; that the defendant had been warned by notices of hearing issued on July 28, 1952, March 25, 1953, and November 28, 1956; that despite such warnings the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce, brined pickle products adulterated as described above.

**DISPOSITION:** 3-18-57. The defendant having consented, the court entered a decree temporarily enjoining and restraining the defendant from causing to be introduced and delivering for introduction into interstate commerce, brined pickle products which are adulterated as alleged in the complaint. The defendant was also enjoined against causing the introduction and delivering for introduction into interstate commerce, of any of the stock of adulterated brined pickle products on hand at the defendant's plant, unless and until such products were cleaned or otherwise processed under the supervision of the Food and Drug Administration and thus brought into compliance with the law.

On 3-16-59, upon motion of the defendant and with the consent of the Government, the court entered an order dissolving the injunction and dismissing the complaint on the grounds that the stock on hand had been satisfactorily reprocessed and the plant premises brought into a suitable condition.

### TOMATOES AND TOMATO PRODUCTS

**25322. Canned tomatoes.** (F.D.C.No. 42244. S. No. 32-309 P.)

**QUANTITY:** 350 cases, 24 1-lb. cans each, at Elmsford, N.Y.

**SHIPPED:** 8-26-58, from Eastville, Va., by James & James.

**LABEL IN PART:** (Can) "Iona Tomatoes \* \* \* The Great Atlantic & Pacific Tea Co., New York, N.Y. Distributors \* \* \* Can Size . . . No. 303."

**LIBELED:** 10-31-58, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained fly eggs and maggots when shipped.

**DISPOSITION:** 12-1-58. Default—destruction.