

On November 24, 1942, the United States attorney for the District of Connecticut filed a libel against 19 baskets, each basket containing 40 pounds, of Brazil nuts at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by the Baker-Bennett-Day Division of General Foods Sales Co., Inc., from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "King Cole Large Brite Brazil Nuts."

On February 3, 1943, Henry Bresky & Sons, claimant, Bridgeport, Conn., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration, and destruction of the unfit portion.

**4680. Adulteration of Brazil nuts. U. S. v. 5½ Cases of Brazil Nuts. Default decree of condemnation. Product ordered sold for technical uses. (F. D. C. No. 8422. Sample No. 9516-F.)**

This product was infested with live and dead insects.

On September 25, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 5½ cases, each containing 2 33-pound cans, of Brazil nuts, alleging that the article had been shipped in interstate commerce on or about July 3, 1942, by the American Pistachio Corporation, New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Can lid) "Usina Brazil Ltd. Shelled Brazil Nuts \* \* \* Exported by Usina Brazil Ltd. Para (Brazil)."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to rendering plants to be disposed of for technical war uses.

**4681. Adulteration of Brazil nuts and walnut meats and halves. U. S. v. 294 Bags of Brazil Nuts, 400 Boxes of Walnut Meats, and 1,100 Boxes of Walnut Halves and Pieces. Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 8686, 9764, 9926. Sample Nos. 22563-F, 31946-F, 38131-F.)**

The walnut meats were in part worm-cut and contained insect excreta and webbing. The Brazil nuts were in part moldy and decomposed.

On November 2, 1942, April 9, and May 12, 1943, the United States attorneys for the Eastern District of Pennsylvania, Southern District of Indiana, and Eastern District of Wisconsin filed libels against 294 100-pound bags of Brazil nuts at Philadelphia, Pa., 400 25-pound boxes of walnut meats at Indianapolis, Ind., and 1,100 25-pound boxes of walnut halves and pieces at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce within the period from on or about October 14, 1942, to March 19, 1943, by Wm. A. Camp & Co., Inc., from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of a filthy and/or decomposed substance. The articles were labeled in part: "Tropical Brand New Crop Large Washed Brazils," "Light Ambers \* \* \* Packed By Whittier Walnut Packing El Monte California," or "Carnation Club Shelled Walnut Halves & Pieces."

On December 5, 1942, May 28 and June 1, 1943, Wm. A. Camp & Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entries of decrees, judgments of condemnation were entered and the products were ordered released under bond for reconditioning by sorting out and destroying the unfit portions, under the supervision of the Food and Drug Administration.

**4682. Adulteration of Brazil nuts and mixed nuts. U. S. v. 14 Bags of Brazil Nuts (and 19 additional seizure actions against Brazil Nuts and Mixed Nuts). Decrees of condemnation. Portions of Brazil nuts ordered released under bond for segregation and destruction of unfit nuts. Remainder of Brazil nuts and the mixed nuts ordered destroyed or distributed to charitable institutions. (F. D. C. Nos. 8637, 8662, 8719 to 8722, incl., 8845, 8869, 8879, 8893, 8899, 8900, 8910, 8954 to 8958, incl., 8978, 8991, 9006, 9043, 9044, 9066. Sample Nos. 4692-F to 4695-F, incl., 4699-F, 4700-F, 12181-F, 19122-F, 19123-F, 19878-F, 21573-F, 22554-F, 22555-F, 24265-F, 24281-F, 24283-F, 24284-F, 24377-F, 25258-F, 25260-F, 25261-F, 28679-F, 28741-F, 28919-F, 32442-F.)**

Samples of these nuts were found to be moldy, rancid, and wormy.

Between October 27 and December 24, 1942, the United States attorneys for the Southern District of West Virginia, Southern District of Florida, Western District of Virginia, Eastern District of Pennsylvania, Western District of Pennsylvania, Western District of Washington, Western District of North Carolina, the District of Rhode Island, the District of New Jersey, the Northern District of

Illinois, the Northern District of Georgia, and the Northern District of Ohio filed libels against 26 bags of Brazil nuts at Charleston, W. Va., 42 bags at Philadelphia, Pa., 33 bags at Logan, W. Va., 77 bags at Bluefield, W. Va., 8 bag at Richlands, Va., 10 bags at Providence, R. I., 220 bags at Pittsburgh, Pa., 11 bags at Seattle, Wash., 96 bags at Hawthorne, N. J., 194 bags at Jacksonville, Fla., 54 bags at Chicago, Ill., 15 bags at Cicero, Ill., 34 bags at Atlanta, Ga., 15 bags at Charlotte, N. C., and 73 bags at Cleveland, Ohio, each bag containing 100 pounds of Brazil nuts, 36 40-pound baskets of Brazil nuts at Passaic, N. J., and 53 25-pound boxes of mixed nuts at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about September 26 to October 29, 1942, by Wm. A. Higgins & Co., Inc., from New York City, N. Y., and Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of a decomposed substance. The articles were labeled in part: (Bags) "Holly New Crop Large Washed Brazil Nuts \* \* \* Net Wgt. 100 Lbs.," or "Sun Glo Brand Mixed Nuts."

Between November 13, 1942, and April 12, 1943, decrees of condemnation were entered. Wm. A. Higgins & Co., Inc., having appeared as claimant for those lots located at Pittsburgh, Pa., Hawthorne, N. J., and Jacksonville, Fla., and the Southern Fruit Co., Inc., having appeared for the lot located at Charlotte, N. C., these lots were ordered released under bond for segregation and destruction of the unfit nuts under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, portions were ordered destroyed and the remaining portions were ordered distributed to charitable institutions since they were in part fit for human consumption.

**4683. Adulteration of walnut meats. U. S. v. 89 Cartons, 292 Cartons, and 100 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 9582. Sample Nos. 18529-F to 18531-F, incl.)

This product was insect-infested as shown by insect cutting and excreta and webbing.

On March 18, 1943, the United States attorney for the Southern District of New York filed a libel against a total of 481 cartons, each carton containing 25 pounds, of walnut meats at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, and February 4, 1943, by the Whittier Walnut Packing Co., from El Monte, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 11, 1943, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for hand-picking so as to remove from the product all unfit nuts and destroying them, under the supervision of the Food and Drug Administration.

**4684. Adulteration of pecan pieces. U. S. v. Lonnie V. Ellis (Ellis Pecan Co.). Plea of guilty. Fine, \$50 on each of counts 1 and 2, \$500 on count 3. Fine on count 3 suspended and defendant placed on probation for 1 year.** (F. D. C. No. 7748. Sample Nos. 71980-E, 94112-E, 2610-F.)

Samples of this product were found to be polluted with fecal matter and to contain larvae and mold growth, larvae head capsules, and an insect.

On December 21, 1942, the United States attorney for the Northern District of Texas filed an information against Lonnie V. Ellis, trading as Ellis Pecan Co., at Fort Worth, Tex., alleging shipment in interstate commerce within the period from on or about February 25 to July 7, 1942, from the State of Texas into the States of Missouri and Kansas of quantities of pecan pieces that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 24, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50 on each of counts 1 and 2. A fine of \$500 was also imposed on count 3 but was suspended and the defendant placed on probation for a period of 1 year on condition that he clean up his plant.

**4685. Adulteration of shelled pecans. U. S. v. Howard Dasher (Dasher Pecan Co.). Plea of nolo contendere. Fine, \$200.** (F. D. C. No. 7319. Sample Nos. 70353-E, 84250-E.)

This product contained evidence of fecal pollution, rodent hairs, and other filth.