

NUTS AND NUT PRODUCTS

14480. Adulteration of brazil nuts. U. S. v. 36 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 23958, 25966. Sample Nos. 1413-K, 12097-K.)

LIBELS FILED: November 6, 1947, and October 22, 1948, Middle District of Pennsylvania and Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 29, 1947, and September 27, 1948, by William A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: Brazil nuts. 100 100-pound bags at Greensboro, N. C.; and 36 boxes, each containing 40 pounds, at Harrisburg, Pa.

LABEL, IN PART: "Holly New Crop Large Medium Brazil Nuts," or "New Crop Holly Brand Brazil Nuts Large."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts.

DISPOSITION: February 4 and December 14, 1948. Default decrees of condemnation. It was ordered that the Pennsylvania lot be destroyed and that the North Carolina lot be delivered to charitable organizations. The latter lot was to be segregated and the fit portion consumed by the inmates.

14481. Adulteration of peanuts. U. S. v. 17 Bags * * *. (F. D. C. No. 26261. Sample No. 46577-K.)

LIBEL FILED: January 7, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 26, 1948, by the Virginia-Carolina Peanut Co., from Suffolk, Va.

PRODUCT: 17 100-pound bags of peanuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested, and of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: February 18, 1949. Default decree of condemnation and destruction.

14482. Adulteration of pecan meats. U. S. v. 16 Cases * * *. (F. D. C. No. 26490. Sample No. 20160-K.)

LIBEL FILED: January 28, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about December 30, 1948, by the Vernon-Pope Pecan Shellers, Okmulgee, Okla.

PRODUCT: 16 30-pound cases of pecan meats at Fort Smith, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and larvae parts.

DISPOSITION: March 28, 1949. Default decree of condemnation and destruction.

14483. Adulteration of pinon nuts. U. S. v. 71 Bags * * *. (F. D. C. No. 26832. Sample No. 30729-K.)

LIBEL FILED: March 7, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about January 24, 1949, by G. W. Ewton, from Gallup, N. Mex.

PRODUCT: 71 bags, each containing 75 pounds, of pinon nuts at Los Angeles, Calif.

LABEL, IN PART: "Pinon Nuts Fancy Recleaned."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

DISPOSITION: March 22, 1949. Jacob Glasser, trading as Torn & Glasser, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The seized nuts, 5,325 pounds, were cleaned, resulting in the recovery of 5,100 pounds of clean nuts.

14484. Adulteration of pinon nuts. U. S. v. 4 Bags * * *. (F. D. C. No. 26843. Sample No. 30731-K.)

LIBEL FILED: March 9, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about January 5, 1949, by K & S Food Store, Inc., from Gallup, N. Mex.

PRODUCT: 4 100-pound bags of pinon nuts at Los Angeles, Calif.

LABEL, IN PART: "Pinon Nuts Fancy Recleaned."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

DISPOSITION: April 11, 1949. Default decree of condemnation and destruction.

14485. Adulteration of walnuts. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Plea of not guilty. Tried to the court. Fine \$2,000 and imprisonment for 2 years. Prison sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 24780. Sample Nos. 24139-K, 24325-K.)

INFORMATION FILED: June 25, 1948, Southern District of California, against Louis Groobman, trading as the Whittier Walnut Packing Co., El Monte, Calif.

ALLEGED SHIPMENT: On or about December 8, 1947, from the State of California into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, insect excreta, moth, scales, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On November 4 and 5, 1948, the case was tried before the court without a jury, and the defendant was found guilty. The defendant thereupon filed a motion to set aside the judgment of conviction on the grounds that certain standards for walnuts established by the Department of Agriculture, prescribed tolerances; that the tolerances so established were inconsistent with the requirements of the Federal Food, Drug, and Cosmetic Act; and that the Department of Agriculture standards should govern. This motion was overruled.

On December 6, 1948, the court imposed a fine of \$2,000 and a sentence of 1 year on each of the 2 counts, the sentence to run consecutively. The prison sentence was suspended and the defendant was placed on probation for a period of 5 years, conditioned that he violate no laws and, further, that he