

22912. Canned tomatoes. (F. D. C. No. 38699. S. Nos. 23-099/100 M.)

QUANTITY: 442 cases, 24 1-lb. cans each, and 143 cases, 24 1-lb., 11-oz. cans each, at Danbury, Conn.

SHIPPED: 8-30-55, from Federalsburg, Md., by A. W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Tomatoes."

LIBELED: 11-22-55, Dist. Conn.

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-16-56. Default—destruction.

22913. Tomato juice. (F. D. C. No. 38063. S. No. 6-872 M.)

QUANTITY: 60 cases, 12 1-qt., 14-oz. cans each, at Ogden, Utah.

SHIPPED: 2-24-55, from Havre, Mont., by Varney Canning, Inc.

LABEL IN PART: (Can) "Varney Brand Sun Pic * * * Tomato Juice."

LIBELED: 6-3-55, Dist. Utah.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-4-56. Default—destruction.

22914. Tomato paste. (F. D. C. No. 38795. S. No. 20-953 M.)

QUANTITY: 30 cases, 96 6¼-oz. cans each, at Kansas City, Mo.

SHIPPED: About 3 years prior to filing of libel, from Stockton, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 12-20-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-1-56. Default—destruction.

22915. Tomato puree. (F. D. C. No. 38478. S. Nos. 36-690 M, 36-693 M.)

QUANTITY: 49 cases, 6 6-lb., 6-oz. cans each, at Bronx, N. Y.

SHIPPED: 9-7-55, from Snow Hill, Md., by Italian Style Tomato Packers.

LABEL IN PART: (Can) "White Horse Brand Fancy Quality Tomato Puree."

LIBELED: 10-4-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-21-55. Default—destruction.

MEAT AND POULTRY

22916. Dressed poultry. (F. D. C. No. 37858. S. Nos. 76-882 L, 89-949 L, 2-793 M.)

INFORMATION FILED: 4-26-55, Dist. N. H., against Karanikas & Sons, a partnership, Goffstown, N. H.

SHIPPED: Between 8-10-54 and 2-1-55, from New Hampshire to Massachusetts.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and 402 (a) (5)—contained diseased birds when shipped.

PLEA: Not guilty.

DISPOSITION: On 9-28-55, the court on its own motion dismissed the information for failure to designate any legal entity or person. Thereafter, the Government filed a motion for rehearing on the grounds that (1) Federal case law established the propriety of prosecuting a partnership as a legal entity where the statute authorized such prosecution and (2) that New Hampshire case law established that a partnership consisting of more than four persons could be sued as a legal entity (the defendant was a partnership consisting of six partners).

The court heard the motion for rehearing on 10-24-55, and subsequently vacated its order of dismissal and reinstated the information. Thereafter, the defendant changed its plea to nolo contendere, and on 3-19-56 was fined \$1,000.

22917. Canned frankfurters. (F. D. C. No. 38709. S. No. 11-879 M.)

QUANTITY: 15 cases, 48 8-oz. cans each, at New York, N. Y.

SHIPPED: From West Germany on unknown dates.

LIBELED: 12-6-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-13-56. Default—destruction.

NUTS AND NUT PRODUCTS*

22918. Unshelled brazil nuts. (F. D. C. No. 38714. S. Nos. 36-705/7 M.)

QUANTITY: 50 100-lb. bags at New York, N. Y.

SHIPPED: Prior to 11-1-55, from Brazil.

LIBELED: 12-1-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy and otherwise decomposed nuts while held for sale.

DISPOSITION: 1-13-56. Default—destruction.

22919. Unshelled brazil nuts. (F. D. C. No. 38769. S. No. 20-926 M.)

QUANTITY: 57 cases, 24 1-lb. pkgs. each, at Tulsa, Okla.

SHIPPED: 10-11-55 and 11-8-55, from Dallas, Tex.

LIBELED: 11-23-55, N. Dist. Okla.

CHARGE: 402 (a) (3)—contained decomposed brazil nuts and empty shells while held for sale.

DISPOSITION: 12-9-55. Default—destruction.

22920. Unshelled brazil nuts, mixed nuts, and walnuts. (F. D. C. No. 38802. S. Nos. 40-343/5 M.)

QUANTITY: 36 50-lb. bags of mixed nuts, 14 100-lb. bags of brazil nuts, and 35 100-lb. bags of walnuts at Bismarck, N. Dak., in possession of Gamble-Robinson Co.

SHIPPED: 11-12-55, from Chico, Calif.

LIBELED: 12-20-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-2-56. Consent—claimed by Pacific Gamble-Robinson Co. Segregated, 260 lbs. of brazil nuts, 220 lbs. of mixed nuts, and 115 lbs. of walnuts destroyed.

*See also No. 22930.