

25629. Unshelled brazil nuts. (F.D.C. No. 42373. S. No. 15-643 P.)

QUANTITY: 22 cases, 24 1-lb. boxes each, at Cincinnati, Ohio.

SHIPPED: 10-30-58, from Chicago, Ill.

LIBELED: 11-25-58, S. Dist. Ohio.

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

DISPOSITION: 1-7-59. Default—consumption by animals.

25630. Shelled peanuts. (F.D.C. No. 42369. S. No. 24-345 P.)

QUANTITY: 20 100-lb. bags at Los Angeles, Calif.

SHIPPED: 7-17-58, from Suffolk, Va.

LIBELED: 12-3-58, S. Dist. Calif.

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

DISPOSITION: 1-15-59. Default—destruction.

25631. Unshelled almonds. (F.D.C. No. 42370. S. No. 45-455 P.)

QUANTITY: 44 cases, 24 bags each, at Denver, Colo.

SHIPPED: 10-30-58, from Chico, Calif., by Tri-Co. Almonds, Inc.

LABEL IN PART: (Bag) "Golden Bloom * * * Softshell Almonds Net Wt. 14 Oz. * * * Rosenberg Bros. & Co., Inc. San Francisco, California."

LIBELED: 11-24-58, Dist. Colo.

CHARGE: 402(a)(3)—contained insects, and moldy and gummy nuts when shipped.

DISPOSITION: 2-3-59. Consent—claimed by Tri-Co. Almonds, Inc., and reconditioned by segregation and destruction of the unfit portion of the product.

25632. Unshelled mixed nuts. (F.D.C. No. 42389. S. No. 45-456 P.)

QUANTITY: 52 100-lb. bags at Denver, Colo.

SHIPPED: 11-5-58, from El Paso, Tex.

LIBELED: 12-2-58, Dist. Colo.

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

DISPOSITION: 1-6-59. Consent—claimed by Azar Brothers, El Paso, Tex. Segregated; 488 lbs. destroyed.

25633. Shelled walnuts. (F.D.C. No. 42368. S. Nos. 26-848/9 P.)

QUANTITY: 71 boxes at Minneapolis, Minn.

SHIPPED: 9-30-58, from San Jose, Calif., by Santa Clara Nut Co.

LABEL IN PART: "25 Lbs. Net Light [or "Light Halves & Pieces"] California Walnut Meats Cottage Grove Nut Co. San Jose, Calif. * * * 1590 Little Orchard."

LIBELED: 11-25-58. Dist. Minn.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 1-8-59. Consent—claimed by Meyer A. Fingerman, t/a United Packaging Service, Minneapolis, Minn. Segregated; 917 lbs. destroyed.

25634. Shelled peanuts. (F.D.C. No. 42348. S. No. 17-286 P.)

QUANTITY: 93 125-lb. bags at Louisville, Ky.

SHIPPED: 5-23-58, from Arlington, Ga.

LIBELED: 11-4-58, W. Dist. Ky.

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

DISPOSITION: 1-30-59. Consent—claimed by Bradas & Gheens, Inc., Louisville, Ky., and converted into animal feed.

OILS AND FATS

25635. Crude cottonseed oil. (Inj. No. 271.)

COMPLAINT FOR INJUNCTION FILED: 12-14-53, W. Dist. Tex., against Seguin Cotton Oil Co., a corporation, Seguin, Tex.

CHARGE: The complaint alleged that the defendant corporation was in the business of manufacturing, preparing, and distributing crude cottonseed oil, an article of food, and had been and was then introducing and causing to be introduced into interstate commerce, at Seguin, Tex., the crude cottonseed oil adulterated under 402(a)(3) and 402(a)(4) by reason of the presence in the article of rodent and insect filth, and by reason of the use in the manufacture and preparation of the article of raw materials which were contaminated with bat excreta and rodent and insect filth; and by reason of being manufactured, prepared, and held at defendant's plant under insanitary conditions.

It was alleged further that the insanitary conditions in the plant resulted from and consisted of the presence of bats and rats in the warehouse where cottonseed was stored; bat excreta and poisonous insecticides intermingled with cottonseed; infestation of the manufacturing plant with flies and beetles; rodent excreta pellets on the covers partially covering the storage tanks; rodent pellets in the oil foam in the storage tank; cottonseed meal containing bat excreta; beetle-infested cottonseed material above the screw conveyor where it carried rolled cottonseed meats into the press room; skimmings off the oil in the trough under the hydraulic presses which contained flies; cottonseed oil in the settling tank which contained several large insects; cottonseed oil in the storage tank which contained flies and rodent pellets; sweepings from the floor of the press room being used in the manufacture of the article, which sweepings contained flies, nondescript dirt, gnawed bones and food scraps discarded by the employees which were swept up and placed in the processing stream.

It was alleged further that the refining process of the expressed oil obtained from cottonseeds was such that the oil soluble portions of the insect and excreta filth remained in the cottonseed oil; that the insanitary conditions also resulted from and consisted of general carelessness on the part of the defendant and its employees; and that the defendant had in storage in the plant cottonseeds which were held under insanitary conditions and crude cottonseed oil which consisted of filthy substances and which constituted a menace to interstate commerce.

The complaint alleged also that the defendant was well aware that its activities were violative of the Act; that various inspections had been made by the Food and Drug Administration, at which times the insanitary conditions were called to the attention of the defendant; and, that despite such warnings, the defendant failed to improve the plant conditions and continued to introduce and cause to be introduced into interstate commerce, the crude cottonseed oil which was adulterated as described above.