

28847. Adulteration of canned turnip greens. U. S. v. 26 Cases of Turnip Greens. Default decree of condemnation and destruction. (F. & D. No. 41869. Sample No. 16057-D.)

This product contained aphids, larvae, and insect fragments.

On March 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of canned turnip greens at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about November 18, 1937, from Dallas, Tex., by the Thrift Packing Co., of Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thrift Turnip Greens * * * Thrift Packing Co., Dallas, Texas."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28848. Adulteration of fresh spinach. U. S. v. 1,049 Baskets of Fresh Spinach. Consent decree of condemnation and destruction. (F. & D. No. 42136. Sample No. 17078-D.)

This product was heavily infested with aphids.

On April 6, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,049 bushel baskets of fresh spinach at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 4, 1938, from Norfolk, Va., by Upton Produce Co. and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 6, 1938, Upton Produce Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28849. Misbranding of canned tomatoes. U. S. v. 310 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40956. Sample No. 47554-C.)

This product fell below the standard for tomatoes established by this Department since it consisted of tomatoes with puree from trimmings, and its label did not bear a statement of that fact.

On November 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 310 cases of canned tomatoes at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 13, 1937, from Point Isabel, Ind., by the Fettig Canning Corporation, Point Isabel, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maytime Brand Choice Quality Tomatoes * * * Merchants Grocery Co., Cleveland and Akron, O., Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture of such canned food, in that it consisted of tomatoes with puree from trimmings and did not bear the statement "tomatoes with puree from trimmings," and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On April 11, 1938, the Fettig Canning Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

28850. Adulteration of frozen eggs. U. S. v. 247 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation of unadulterated portion. (F. & D. No. 41966. Sample No. 8108-D.)

Examination of this product showed the presence of decomposed eggs.

On or about March 17, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in