

9575. Adulteration of canned spinach. U. S. v. 1,327 Cases of Canned Spinach. Default decree of forfeiture. Product ordered delivered to a public organization. (F. D. C. No. 17434. Sample No. 21061-H.)

LIBEL FILED: On or about September 25, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 4, 1945, by the Foster and Wood Canning Co., from Lodi, Calif.

PRODUCT: 1,327 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Kansas City, Mo.

LABEL, IN PART: "Lee Fancy California Spinach."

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

DISPOSITION: October 23, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. In January 1946, the court modified the order of destruction to permit the delivery of the product to a public organization, for denaturing and use as stock feed, under the supervision of the Food and Drug Administration.

9576. Adulteration of canned spinach. U. S. v. 183 Cases and 875 Cases of Canned Spinach. Product ordered released under bond. (F. D. C. Nos. 17482, 17483. Sample Nos. 25851-H, 25853-H.)

LIBELS FILED: On or about September 21, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about June 25, 1945, by the Appleby-Young Canning Co., from Johnson, Ark.

PRODUCT: 1,058 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "May-Flower [or "Hiwasse"] Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 12, 1946. The Appleby-Young Canning Co. having appeared as claimant, judgment was entered ordering the product released under bond, conditioned that all cans of swelled or otherwise abnormal appearance, together with all cans bearing a certain code, be destroyed under the supervision of the Food and Drug Administration.

9577. Adulteration of canned spinach. U. S. v. 1,014 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 17026. Sample No. 36622-H.)

LIBEL FILED: August 21, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 15, 16, and 17, 1945, by the Baron Canning Co., from Westville, Okla.

PRODUCT: 1,014 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Seattle, Wash.

LABEL, IN PART: "Baron [or "Big League"] Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9578. Adulteration of spinach. U. S. v. 994 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 19338. Sample No. 47323-H.)

LIBEL FILED: March 14, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about January 12, 1946, by the Sallisaw Canning Co., from Stigler, Okla.

PRODUCT: 994 cases, each containing 6 cans, of spinach at Denver, Colo. Examination showed that the product was undergoing progressive decomposition, and that it contained grass and leaves of plants other than spinach.

LABEL, IN PART: (Cans) "Mayflower Spinach Contents 6 Pounds."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a decomposed substance; Section 402(b) (2), grass and

leaves of plants other than spinach had been substituted in part for spinach; and, Section 402 (b) (4), they had been mixed and packed with the article so as to reduce its quality.

DISPOSITION: May 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9579. Adulteration of canned spinach. U. S. v. 262 Cases of Canned Spinach (and 3 other seizure actions against canned spinach). Consent decrees ordering product released under bond for segregation and destruction of unfit portions. (F. D. C. Nos. 17061, 17433, 17476, 17762. Sample Nos. 25850-H, 25854-H, 25858-H, 26759-H.)

LIBELS FILED: Between the approximate dates of September 12 and October 12, 1945, Districts of Colorado and Wyoming.

ALLEGED SHIPMENT: On or about July 18 and 28, 1945, by the Deck Brothers Produce Co., from Springfield, Mo.

PRODUCT: Canned spinach. 458 cases, each containing 6 6-pound, 2-ounce cans, and 259 cases, each containing 24 1-pound, 2-ounce cans, at Denver, Colo.; and 190 cases, each containing 6 6-pound, 2-ounce cans, at Cheyenne, Wyo.

LABEL, IN PART: "Big League Brand Spinach Distributed by Cannery Exchange Inc. Springfield, Mo.," "Hiwasse [or "Sahara"] Brand Spinach * * * Packed by Appleby-Young Canning Co. Fayetteville, Ark.," or "Mayflower Spinach * * * Distributed by Marshall Canning Co., Marshalltown, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On February 12, 1946, the Deck Brothers Produce Co., claimant, having consented to the entry of decrees, the court ordered the 3 Denver lots released under bond after the sorting and destruction of all cans of swelled or otherwise abnormal appearance, under the supervision of the Food and Drug Administration. On February 28, 1946, the Deck Brothers Produce Co., the Asher-Wyoming Co., Cheyenne, Wyo., and the Cannery Exchange Inc., Springfield, Missouri, claimants of the Cheyenne lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be salvaged in the same manner.

9580. Adulteration and misbranding of canned turnip greens and canned mustard greens. U. S. v. 1,213 Cases of Turnip Greens (and 9 other seizure actions against turnip greens and mustard greens). Default decrees of condemnation and destruction. (F. D. C. Nos. 18476, 18521, 18552, 18696 to 18700, incl., 18773, 19140. Sample Nos. 25888-H, 25889-H, 26360-H, 30435-H, 30436-H, 47020-H, 47021-H, 47027-H, 47030-H, 47037-H, 47281-H, 47282-H, 47304-H.)

LIBEL FILED: Between November 26, 1945, and February 13, 1946, District of Colorado and Northern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of July 10 and August 14, 1945, by the E. L. Peterson Canning Co., Sallisaw, Okla.

PRODUCT: 2,073 cases of turnip greens and 336 cases of mustard greens at Denver, Colo.; 224 cases of turnip greens at Colorado Springs, Colo.; and 198 cases of turnip greens at Amarillo, Tex. The greens contained large amounts of grass. Six of the 10 shipments contained aphids; and in one of these shipments grasshoppers were also found.

LABEL, IN PART: "Stigler [or "Sallisaw Brand"] Turnip Greens," or "El-Pete Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), grass had been substituted in part for turnip greens and mustard greens; Section 402 (b) (4), it had been mixed and packed with the products so as to reduce their quality; and, Section 402 (a) (3), portions of the products consisted in whole or in part of filthy substances by reason of the presence of aphids and, in one lot, grasshoppers.

Misbranding (portion), Section 403 (a), the label designations, "Turnip Greens" and "Mustard Greens," were false and misleading as applied to products containing grass.