

LABEL, IN PART: "R-Best Brand Spinach * * * Stockton Food Products, Inc., Stockton, Calif."

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 aphids.

DISPOSITION: June 12, 1947. The Stockton Food Products Co. having appeared as claimant, the product was ordered released under bond, conditioned that the unfit portion be destroyed under the supervision of the Food and Drug Administration and that the remainder be delivered to the consignee.

11258. Adulteration of canned spinach. U. S. v. 219 Cases, etc. (F. D. C. No. 17256. Sample Nos. 29899-H, 29902-H.)

LIBEL FILED: August 31, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about August 8, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: Canned spinach. 219 cases, each containing 6 6-pound, 2-ounce cans, and 48 cases, each containing 24 1-pound, 11-ounce cans, at Honolulu, T. H.

LABEL, IN PART: "Hit Parade California Spinach packed by Fruitvale Canning Co. Oakland, Calif.," or "Diamond Head Brand Spinach."

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 aphids.

DISPOSITION: November 5, 1945. The shipper having consented to the entry of a decree, the product was condemned and ordered forfeited.

TOMATOES AND TOMATO PRODUCTS

11259. Misbranding of canned tomatoes. U. S. v. Ripley Canning Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 17815. Sample No. 89873-F.)

INFORMATION FILED: December 4, 1946, Western District of Tennessee, against the Ripley Canning Co., a partnership, Ripley, Tenn.

ALLEGED SHIPMENT: On or about September 26, 1944, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Forked Deer Brand Contents 1 Lb. 3 Oz. Hand Packed Tomatoes Packed by Humboldt Canning Co., Humboldt, Tenn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared weight; Section 403 (h) (1), it fell below the standard of quality prescribed for canned tomatoes, because of the low drained weight and the tomato peel in excess of the amount permitted by the regulations; and, Section 403 (h) (2), it failed to conform to the standard of fill of container prescribed for canned tomatoes since the fill of container was less than 90 percent of the total capacity of the container. The label failed to bear, as specified by the regulations, a statement that the article fell below the standard of quality and fill of container.

DISPOSITION: January 17, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

11260. Adulteration and misbranding of tomato puree. U. S. v. Califruit Canning Co., a partnership, Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli. Pleas of guilty. Fines of \$250 against the partnership defendant and \$5.00 against each of the individual defendants. (F. D. C. No. 20212. Sample Nos. 7322-H, 7938-H, 8150-H, 8152-H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against the Califruit Canning Co., trading and doing business at Manteca, Calif., and Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli, partners.

ALLEGED SHIPMENT: On or about October 23 and 25 and November 9 and 13, 1945, from the State of California into the States of New York and New Jersey.

LABEL, IN PART: (Portion, cans) "Lulu Brand Supreme Product of Distinction B. Dorman and Sons, Brooklyn, N. Y. Distributors Extra Heavy Tomato Puree"; (remainder, cases) "Unlabeled Tomato Puree, Ex. Heavy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.