

**ALLEGED SHIPMENT:** On or about June 6 and 11, 1947, from the State of Colorado into the States of Nebraska and Wyoming.

**LABEL, IN PART:** "Garden Fresh Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of live maggots, larvae, insect eggs, insect fragments, whole insects, flies, fly eggs, a rodent hair, sand, and feather barbules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 17, 1948. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$1,000 was imposed.

#### **TOMATOES AND TOMATO PRODUCTS\***

**12723. Adulteration and misbranding of canned tomatoes. U. S. v. 500 Cases** \* \* \*. (F. D. C. No. 23802. Sample No. 24407-K.)

**LIBEL FILED:** October 9, 1947, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 28, 1947, by Roberts Brothers, Inc., from Baltimore, Md.

**PRODUCT:** 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

**LABEL, IN PART:** "Roberts Big R Brand Tomatoes."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat so as to prevent spoilage.

**DISPOSITION:** November 7, 1947. Roberts Brothers, Inc., defendant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion. 522 cases of the product were seized, 106 $\frac{3}{4}$  cases were segregated and destroyed, and 412 $\frac{15}{24}$  cases were released.

**12724. Misbranding of canned tomatoes. U. S. v. 212 Cases** \* \* \*. (F. D. C. No. 23892. Sample No. 26903-K.)

**LIBEL FILED:** November 4, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 2, 1947, by the Hargis Canneries, Inc., from Fayetteville, Ark.

**PRODUCT:** 212 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** "Hand Packed Hargis Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was substandard in quality because the drained weight was less than 50 percent of the weight of water required to fill the container, and it was not labeled to show that it was substandard.

**DISPOSITION:** January 6, 1948. The Hargis Canneries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**12725. Misbranding of canned tomatoes. U. S. v. 95 Cases** \* \* \*. (F. D. C. No. 23848. Sample No. 28418-K.)

**LIBEL FILED:** October 14, 1947, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 26, 1947, by the G. W. Dodgen Canning Co., from Reeds Spring, Mo.

**PRODUCT:** 95 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Denver, Colo.

**LABEL, IN PART:** "Baron Brand Tomatoes \* \* \* Packed by Baron Canning Co. Westville, Okla."

\*See also Nos. 12602-12611.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, since it failed to meet the test for drained weight prescribed by the regulations; and its label failed to bear the substandard legend.

**DISPOSITION:** December 9, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**12726. Adulteration of canned tomato paste. U. S. v. San Jose Canning Co., Ignatius Rancadore, and Eugene J. Filice. Plea of nolo contendere. Company fined \$100; individuals each fined \$1.00. (F. D. C. No. 24063. Sample No. 75966-H.)**

**INFORMATION FILED:** January 7, 1948, Northern District of California, against the San Jose Canning Co., San Jose, Calif., a partnership, and Ignatius Rancadore and Eugene J. Filice, partners.

**ALLEGED SHIPMENT:** On or about March 17, 1947, from the State of California into the State of New York.

**LABEL, IN PART:** "Verona Brand Tomato Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of worm fragments.

**DISPOSITION:** February 19, 1948. Pleas of nolo contendere having been entered by the defendants, the partnership was fined \$100 and the individual defendants were each fined \$1.00.

**12727. Adulteration of canned tomato paste. U. S. v. 499 Cases \* \* \*. (F. D. C. No. 22956. Sample No. 75966-H.)**

**LIBEL FILED:** April 21, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 17, 1947, by the San Jose Canning Co., from San Jose, Calif.

**PRODUCT:** 499 cases, each containing 96 6-ounce cans, of tomato paste at Brooklyn, N. Y.

**LABEL, IN PART:** "Verona Brand Tomato Paste."

**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 worm fragments.

**DISPOSITION:** October 14, 1947. The San Jose Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing of the unfit portion, under the supervision of the Federal Security Agency.

## NUTS

**12728. Adulteration of brazil nuts. U. S. v. 160 Bags \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 23895, 23935, 23993, 24139. Sample Nos. 3803-K, 6209-K, 12216-K, 12235-K.)**

**LIBELS FILED:** October 29, November 6 and 26, and December 8, 1947, Western, Eastern, and Middle Districts of Pennsylvania, and District of Maryland.

**ALLEGED SHIPMENT:** Between the approximate dates of September 22, and October 30, 1947, by the Graham Co., Inc., from New York, N. Y.

**PRODUCT:** Brazil nuts. 160 bags at Pittsburgh, Pa.; 25 bags at Hazelton, Pa.; 19 bags at Baltimore, Md.; and 57 bags at Philadelphia, Pa. Each bag contained 50 pounds.

**LABEL, IN PART:** "Red Bow."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), two lots consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts; one lot consisted in whole or in part of a filthy and decomposed substance by reason of the presence of wormy, moldy, and otherwise decomposed nuts; and the fourth lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts, and this lot was otherwise unfit for food by reason of the presence of shriveled nuts.

**DISPOSITION:** November 25, 1947. The Graham Co., Inc., claimant for the Pittsburgh lot, having admitted the allegations of the libel, judgment of con-