

15236. Adulteration and misbranding of canned spinach. U. S. v. 155 Cases * * * (F. D. C. No. 27371. Sample No. 39676-K.)

LIBEL FILED: On or about May 25, 1949, Western District of Texas.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Sallisaw Canning Co., from Sallisaw, Okla.

PRODUCT: 155 cases, each containing 24 1-pound, 11-ounce cans, of spinach at El Paso, Tex.

LABEL, IN PART: "Emerald Bay Brand Spinach."

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

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

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

15237. Misbranding of pickles and relish. U. S. v. 99 Cases, etc. (F. D. C. No. 27184. Sample Nos. 8431-K to 8434-K, incl.)

LIBEL FILED: May 5, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 18 and March 10 and 24, 1949, by Walbeck Foods, from Philadelphia, Pa.

PRODUCT: 99 cases, each containing 24 8-ounce jars, of pickles; 24 cases, each containing 24 1-pint jars, of gherkins; 99 cases, each containing 12 1-quart jars, of pickles; and 89 cases, each containing 24 8-ounce jars, of relish at South Kearny, N. J.

LABEL, IN PART: (Jar) "Walbeck * * * Pickles [or "India Relish" or "Dill Pickles"]" or "Picknick Preserved Sweet Gherkins."

NATURE OF CHARGE: Misbranding, Section 403 (k), the products contained a chemical preservative, sodium benzoate, and they failed to bear labels stating that fact.

DISPOSITION: June 22, 1949. Walter C. Becker, trading as Walbeck Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be repacked or relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS*

15238. Misbranding of canned peeled tomatoes. U. S. v. 1,250 Cases * * * (F. D. C. No. 26398. Sample No. 11079-K.)

LIBEL FILED: January 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 30, 1948, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,250 cases, each containing 24 cans, of peeled tomatoes, at New York, N. Y.

LABEL, IN PART: (Can) "Carmelo Brand Italian Style Peeled Tomatoes Contents 1 Lb. 12 Oz. Avoir."

*See also Nos. 15202-15204.

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. (The article was short weight.)

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the fill of the container was less than 90 percent of the total capacity of the container as determined by the method prescribed in the standard, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: February 21, 1949. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling, under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 622 cases as having the correct weight. The remainder of the product was relabeled, with the exception of 18 cans of rejects which were destroyed.

15239. Adulteration of tomato catsup. U. S. v. Fettig Canning Corp. Plea of guilty. Fine, \$750. (F. D. C. No. 27482. Sample Nos. 2566-K, 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K.)

INFORMATION FILED: September 26, 1949, Southern District of Indiana, against the Fettig Canning Corp., Elwood, Ind.

ALLEGED SHIPMENT: On or about October 18, November 13, 19, and 30, and December 6, 1948, from the State of Indiana into the States of West Virginia, Pennsylvania, Nebraska, Iowa, and Missouri.

LABEL, IN PART: "Mary's Choice Tomato Catsup Packed by Fettig Canning Corp.," "Sweet Home Tomato Catsup * * * Distributed by Krenning-Schlapp Gro. Co. St. Louis, Mo.," or "Conrad's Darnoc Brand Tomato Catsup Packed for J. F. Conrad Grocer Company, Saint Louis."

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

DISPOSITION: November 23, 1949. A plea of guilty having been entered, the corporation was fined \$750.

15240. Adulteration of tomato puree. U. S. v. Mays Packing Co., Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 27486. Sample Nos. 44324-K, 44327-K, 44390-K.)

INFORMATION FILED: September 26, 1949, Southern District of Indiana, against Mays Packing Co., Inc., Mays, Ind.

ALLEGED SHIPMENT: Between the approximate dates of July 1 and November 26, 1948, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Portion) "A-Mays-U Brand Tomato Puree."

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

DISPOSITION: November 23, 1949. A plea of guilty having been entered, the defendant was fined \$750.