

INFORMATION FILED: April 25, 1950, Western District of Arkansas, against Delbert E. Allen and others, trading as the Allen Canning Co., a partnership, Siloam Springs, Ark.; amended information filed September 11, 1950.

ALLEGED SHIPMENT: On or about October 29 and November 5, 1949, from the State of Arkansas into the States of Oklahoma and Iowa.

LABEL, IN PART: "The Allens Brand [or "Allen Hi-Grade Brand"] Spinach."

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

DISPOSITION: September 29, 1950. A plea of nolo contendere having been entered by Delbert E. Allen, the court fined the defendant \$25. Thereupon, the court dismissed the action against the other defendants.

16642. Adulteration of canned spinach. U. S. v. 500 Cases * * *. (F. D. C. Nos. 29558, 29564. Sample Nos. 59336-K, 84930-K.)

LIBELS FILED: August 31 and September 6, 1950, Southern District of Ohio and Northern District of Indiana.

ALLEGED SHIPMENT: On or about May 4, June 8, and July 5, 1950, by the Larsen Co., from Kent City, Mich., and Green Bay, Wis.

PRODUCT: Canned spinach. 500 cases at Dayton, Ohio, and 35 cases at South Bend, Ind. Each case contained 24 14½-ounce, or 15-ounce cans.

LABEL, IN PART: "Green Bay [or "Larsen's Freshlike"] Brand Cut 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 insects and insect fragments.

DISPOSITION: October 19 and November 8, 1950. Default decrees of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

16643. Adulteration and misbranding of canned tomatoes. U. S. v. 300 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 29689, 29690. Sample No. 66843-K.)

LIBELS FILED: August 16, 1950, Western District of South Carolina.

ALLEGED SHIPMENT: On or about July 27, 1950, by the Belmont Canning Co., from Threeway, Va.

PRODUCT: 600 cases, each containing 24 cans, of tomatoes at Spartanburg and Greenville, S. C.

LABEL, IN PART: (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and its label failed to bear a statement that the article fell below such standard of quality.

DISPOSITION: September 22, 1950. Default decrees of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

16644. Adulteration of tomato catsup. U. S. v. 35 Cases * * *. (F. D. C. No. 29504. Sample No. 15496-K.)

LABEL FILED: July 27, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 3, 1950, by Hunt Foods, Inc., from Toledo, Ohio.

PRODUCT: 35 cases, each containing 24 14-ounce bottles, of tomato catsup at Dearborn, Mich.

LABEL, IN PART: "Hunt's Tomato Catsup."

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

DISPOSITION: September 11, 1950. Default decree of condemnation and destruction.

16645. Adulteration of tomato puree. U. S. v. 500 Cases * * *. (F. D. C. No. 29562. Sample No. 77535-K.)

LABEL FILED: September 6, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1950, by the Los Fresnos Canning Co., from Los Fresnos, Tex.

PRODUCT: 500 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Conrad's * * * Darnoc Brand Tomato Puree."

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 fly eggs and maggots.

DISPOSITION: October 2, 1950. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

16646. Action to enjoin and restrain the interstate shipment of nuts and nut products. U. S. v. Rose Foods, Inc., and Saul Rosenberg and M. Sim-sarian. Preliminary injunction issued. Case subsequently dismissed. (Inj. No. 221.)

COMPLAINT FILED: November 28, 1949, Southern District of California, against Rose Foods, Inc., Los Angeles, Calif., and Saul Rosenberg and M. Simsarian, president and secretary, respectively, of the corporation.

NATURE OF CHARGE: That the defendants had been, and were at the time, introducing and delivering for introduction into interstate commerce, at Los Angeles, Calif., nuts and nut products which were adulterated under Section 402(a) (4), in that the products had been, and were still being, prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendants' plant arose out of the presence of both live and dead beetles and other insects, insect webbing, birds, bird droppings, and feathers in and around