

**ALLEGED SHIPMENT:** On or about July 17 and 24, 1950, by the Melrose Canning Co., from Melrose, Md.

**PRODUCT:** 185 cases, each containing 6 No. 10 cans, of peas at New York, N. Y.

**LABEL, IN PART:** (Can) "Evelyn run of pod Early June Peas Contents 1 Lb. 4 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, and the label failed to bear the statement that the product was below the standard; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short of the declared weight.)

**DISPOSITION:** October 30, 1950. Foss-Melnick Sales Co., New York, N. Y., 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 for relabeling, under the supervision of the Food and Drug Administration.

**16785. Misbranding of canned spinach. U. S. v. Kuhn Cannery. Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 29596. Sample No. 70914-K.)**

**INFORMATION FILED:** July 14, 1950, District of Kansas, against the Kuhn Cannery, a partnership, Bonner Springs, Kans.

**ALLEGED SHIPMENT:** On or about December 9, 1949, from the State of Kansas into the State of Missouri.

**LABEL, IN PART:** "Dollie Mae Fancy Spinach."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned spinach since it was not sealed in the container and so processed by heat as to prevent spoilage.

**DISPOSITION:** November 13, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs.

#### TOMATOES AND TOMATO PRODUCTS

**16786. Adulteration of canned tomatoes. U. S. v. Charles F. McCarthy (McCarthy Canning Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 29603. Sample No. 65515-K.)**

**INFORMATION FILED:** September 8, 1950, Southern District of Indiana, against Charles F. McCarthy, trading as the McCarthy Canning Co., Summitville, Ind.

**ALLEGED SHIPMENT:** On or about February 13, 1950, from the State of Indiana into the State of Illinois.

**LABEL, IN PART:** (Can) "Hy-Top Tomatoes \* \* \* Packed for Goldblatt Bros., Inc. Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** November 10, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$250.