

**LABEL, IN PART:** "Dependable Spinach" or "Dependable Brand Fancy 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 worms.

**DISPOSITION:** March 6 and 21, 1951. Default decrees of condemnation and destruction.

### **TOMATOES AND TOMATO PRODUCTS**

**17340. Misbranding of canned tomatoes. U. S. v. 647 Cases \* \* \*. (F. D. C. No. 30633. Sample No. 19438-L.)**

**LABEL FILED:** February 16, 1951, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 16, 1950, by the Howard Canning Co., from Pendleton, Ind.

**PRODUCT:** 647 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Minneapolis, Minn.

**LABEL, IN PART:** (Can) "Howards Pride Choice Indiana Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained the optional ingredient, namely, calcium salts, and its label failed to bear a statement that calcium salts had been added, as required by the regulations.

**DISPOSITION:** March 30, 1951. The Howard Canning Co., Indianapolis, Ind., 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.

**17341. Adulteration of tomato juice. U. S. v. 250 Cases, etc. (F. D. C. No. 30682. Sample Nos. 11365-L to 11367-L, incl.)**

**LABEL FILED:** March 12, 1951, Northern District of Ohio.

**ALLEGED SHIPMENT:** During the months of October or November 1950, from Chicago, Ill., and Detroit, Mich. These were return shipments.

**PRODUCT:** 500 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Blakeslee, Ohio.

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

**DISPOSITION:** April 12, 1951. Default decree of condemnation and destruction.

**17342. Adulteration of tomato juice. U. S. v. 114 Cases \* \* \*. (F. D. C. No. 30714. Sample No. 10324-L.)**

**LABEL FILED:** March 20, 1951, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about December 11 and 20, 1950, by the Clyde Canning Co., from Clyde, Ohio.

**PRODUCT:** 114 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Detroit, Mich.

**LABEL, IN PART:** "Defiance Tomato Juice."

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

**DISPOSITION:** May 25, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

## MEAT AND POULTRY

**17343. Adulteration of frozen rabbits. U. S. v. 23 Crates \* \* \*. (F. D. C. No. 30415. Sample No. 24291-L.)**

**LIBEL FILED:** February 5, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 5, 1951, by J. W. Bailey, Zenda, Kans.

**PRODUCT:** 23 crates, containing approximately 1,600 pounds, of frozen rabbits at New York, N. Y.

**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 fecal matter and hairs.

**DISPOSITION:** February 23, 1951. Steers & Menke, Inc., 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, to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. 185 pounds of the product were rejected and delivered to a rendering plant.

**17344. Adulteration of dressed poultry. U. S. v. 302 Boxes \* \* \*. (F. D. C. No. 30459. Sample No. 89875-K.)**

**LIBEL FILED:** December 28, 1950, District of Nebraska.

**ALLEGED SHIPMENT:** On or about December 10, 1950, by the Canton Produce Co., Canton, S. Dak.

**PRODUCT:** 302 50-pound boxes of dressed poultry at York, Nebr.

**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 rodent excreta; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 16, 1951. Lipsman-Fulkerson & Co., 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, conditioned that any diseased poultry be destroyed and that the remainder be cleaned by thorough scrubbing, under the supervision of the Food and Drug Administration. 635 boxes of the product were seized because of the intermingling of the 302 boxes with another lot, and 24 birds were found to be diseased and were destroyed.

**17345. Adulteration of dressed turkeys. U. S. v. 3,000 Pounds \* \* \*. (F. D. C. No. 30330. Sample No. 73155-K.)**

**LIBEL FILED:** December 11, 1950, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 9, 1950, by C. A. Swanson & Sons, from Omaha, Nebr.

**PRODUCT:** 3,000 pounds of dressed turkeys, in 38 crates, at New York, N. Y.

**LABEL, IN PART:** (Crate) "Golden Brest Brand Turkeys Packed By Central Cooperative Turkey Producers, Ellsworth, Iowa."