

17430. Adulteration of canned spinach. U. S. v. 323 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30677, 30774. Sample Nos. 1807-L, 13377-L.)

LIBELS FILED: On or about March 20 and 28, 1951, Northern District of Texas and Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about January 6 and 20, 1951, by the Arkansas Valley Canning Co., from Van Buren, Ark.

PRODUCT: Canned spinach. 323 cases at Lubbock, Tex., and 296 cases at Columbia, S. C. Each case contained 6 6-pound, 2-ounce cans.

LABEL, IN PART: "Rebecca Lee Brand 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: May 11 and July 11, 1951. Default decrees of condemnation and destruction.

17431. Adulteration of canned spinach. U. S. v. 85 Cases \* \* \*. (F. D. C. No. 30504. Sample No. 31753-L.)

LIBEL FILED: January 30, 1951, Western District of Arkansas.

ALLEGED SHIPMENT: On or about January 12, 1951, from Chicago, Ill. This was a return shipment.

PRODUCT: 85 cases, each containing 24 unlabeled No. 2 cans, of spinach at Van Buren, Ark.

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 19, 1951. Default decree of condemnation and destruction.

17432. Adulteration of canned spinach. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 30458. Sample No. 31867-L.)

LIBEL FILED: On or about February 13, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 6, 1951, by the Russellville Canning Co., from Russellville, Ark.

PRODUCT: 71 cases, each containing 24 1-pound, 2-ounce cans, of spinach at St. Louis, Mo.

LABEL, IN PART: "Lasco Brand 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, 1951. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

17433. Adulteration of canned tomatoes. U. S. v. 997 Cases \* \* \*. (F. D. C. No. 29879. Sample No. 82242-K.)

LIBEL FILED: September 15, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 9, 1950, by Albert W. Sisk & Son, from Cambridge, Md.

PRODUCT: 997 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, W. Va.

LABEL, IN PART: "Cardinal Brand Tomatoes \* \* \* Packed By Walter T. Andrews & Son Cambridge, Maryland."

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

**DISPOSITION:** November 7, 1950. Walter T. Andrews and Lecompte Andrews, partners, trading and doing business as Walter T. Andrews & Son, 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 segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

On January 16, 1951, after segregation, 903 cases and 13 cans were released, and 20 cases and 11 cans, which were swells, were destroyed. The remaining 73 cases were in an indeterminate condition and were returned to the factory for removal of rust, replacing of discolored labels, and subsequent re-examination. Of these 73 cases, 43 cases ultimately were released as fit.

**17434. Misbranding of canned tomatoes. U. S. v. 1,998 Cases \* \* \*. (F. D. C. No. 30493. Sample No. 65560-K.)**

**LIBEL FILED:** January 31, 1951, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 10, 1950, by the Mays Packing Co., from Mays, Ind.

**PRODUCT:** 1,998 cases, each containing 24 unlabeled No. 2 cans, of tomatoes at Chicago, Ill.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement, as specified by the regulations, that it fell below such standard.

**DISPOSITION:** May 4, 1951. The Mays Packing Co., Mays, 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.

**17435. Adulteration of tomato juice. U. S. v. 996 Cases \* \* \*. (F. D. C. No. 29981. Sample No. 70407-K.)**

**LIBEL FILED:** November 3, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 3, 1950, by Libby, McNeill & Libby, from Kokomo, Ind.

**PRODUCT:** 996 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Kansas City, Mo.

**LABEL, IN PART:** "Libby's Tomato Juice."

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

**DISPOSITION:** January 8, 1951. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Of 828 cases seized, 770 cases were released as good and the remainder were destroyed.

**17436. Misbranding of tomato juice. U. S. v. 413 Cases \* \* \*. (F. D. C. No. 30131. Sample No. 82255-K.)**

**LIBEL FILED:** November 13, 1950, Middle District of Pennsylvania.