

On January 29, 1942, no claimant having appeared, judgment was entered finding the product misbranded but providing that it be delivered to a charitable institution for the use of that institution.

2738. Adulteration of canned spinach. U. S. v. 83 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 5080. Sample No. 25729-E.)

Examination showed that this product was undergoing active chemical decomposition.

On July 3, 1941, the United States attorney for the Middle District of Alabama filed a libel against 83 cases, each containing 6 cans, of spinach at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by George F. Porbeck Brokerage Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "D and W * * * Contents 6 Lbs. 2 Ozs. Spinach Packed By Dodgen & Wilson Canning Co. Barton, Ark."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2739. Adulteration of canned spinach. U. S. v. 800 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 5602. Sample Nos. 79827-E, 79828-E.)

This product had undergone chemical decomposition and was otherwise unfit for food because of its metallic and astringent taste.

On August 30, 1941, the United States attorney for the Southern District of Ohio filed a libel against 800 cases of canned spinach at Lebanon, Ohio, alleging that the article had been shipped in interstate commerce on or about June 23 and July 10, 1941, by Wilson Canning Co. from Barton, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. The article was unlabeled.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 2740 to 2752 (except 2741) report actions based on the shipment of tomatoes and tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

2740. Adulteration of tomato catsup. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 4192. Sample Nos. 29446-E, 43241-E, 47446-E, 62416-E.)

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against Fettig Canning Corporation, alleging shipment within the period from on or about October 24, 1940, to on or about May 22, 1941, from the State of Indiana into the States of Ohio, Oklahoma, and Illinois, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sunbeam Tomato Catsup Francis H. Leggett & Co. Distributors, New York, N. Y."; "Belle Isle * * * Tomato Catsup * * * Distributed By Collins-Dietz-Morris Co. Oklahoma City, Tulsa, Lawton"; or "Tolman's Tomato Catsup * * * Distributed By * * * The Warfield Company Chicago, Ill."

On April 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

2741. Adulteration of tomato catsup and chili sauce. U. S. v. Kern Food Products, Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 5576. Sample Nos. 53224-E, 60265-E.)

These products contained worm and insect fragments.

On March 11, 1942, the United States attorney for the Southern District of California filed an information against Kern Food Products, Inc., a corporation, Los Angeles, Calif., alleging shipment on or about March 31 and May 20, 1941, from the State of California into the States of Washington and Arizona, of quantities of tomato catsup and chili sauce that were adulterated. The articles were labeled in part: "Kern's Pure Chili Sauce," or "California Club Pure Tomato Catsup."