

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "100 Lbs. Net Weight" was false and misleading since the sacks contained a smaller amount; and, Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: On May 22 and 25, 1944, Herman J. Kurtz and Joseph A. Baumel entered pleas of nolo contendere, and each defendant was fined \$200.

6747. Adulteration of canned spinach. U. S. v. 528 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12141. Sample No. 61160-F.)

LIBEL FILED: On or about April 10, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 16, 1943, by the Whiteside Cannery (for George F. Porbeck) from Van Buren, Ark.

PRODUCT: 528 cases, each containing 24 cans, of spinach at Baton Rouge, La.

LABEL, IN PART: "Mayfair Spinach * * * Distributed by Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6748. Adulteration of dehydrated spinach flakes. U. S. v. 431 Cartons of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12090. Sample No. 949-F, 950-F, 960-F.)

LIBEL FILED: March 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 18 and 22, and February 2, 1944, by the Evangeline Pepper & Food Products, from St. Martinville, La.

PRODUCT: 431 cartons, containing a total of 8,665 pounds, of dehydrated spinach flakes at Chicago, Ill.

VIOLATIONS CHARGED: 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, and was otherwise unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: May 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6749. Adulteration and misbranding of dehydrated spinach flakes. U. S. v. 36 Cases of Dehydrated Spinach Flakes. Default decree of condemnation and destruction. (F. D. C. No. 12001. Sample No. 59050-F.)

LIBEL FILED: March 13, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 1, 1943, by the P. D. Ridenour Co., from Chicago, Ill.

PRODUCT: 36 cases, each containing 24 1-ounce envelopes, of dehydrated spinach flakes at Weston, W. Va.

LABEL, IN PART: (Envelope) "De-Hydrated Tender Baby Spinach Flakes No Sand or Grit Little Major."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of sand; and, Section 402 (b) (4), sand had been mixed and packed therewith so as to reduce its quality.

Misbranding, Section 403 (a), the statement on the labeling, "No Sand or Grit," was false and misleading as applied to the article, which contained a considerable amount of sand.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

6750. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered sold. (F. D. C. No. 12021. Sample No. 62629-F.)

LIBEL FILED: March 14, 1944, Eastern District of Missouri; amended libel filed March 21, 1944, covering seizure of additional amount of the product.

ALLEGED SHIPMENT: On or about November 3, 1942, by Lansing B. Warner, Inc., from Chicago, Ill.

*See also No. 6725.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: (Cans) "Cardinal Brand Tomatoes * * * Packed by Kent Packing Co. Rock Hall, Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be disposed of only in compliance with the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

6751. Adulteration of canned tomatoes. U. S. v. 221 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12169: Sample Nos. 53498-F, 59040-F.)

LABEL FILED: On or about April 20, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1943, by Henson Bros., Elliston, Va.

PRODUCT: 221 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bradshaw, W. Va.

LABEL, IN PART: "Valley View Brand Hand Packed Tomatoes * * * Packed For Valley View Canning Co. Elliston, Virginia."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 5, 1944. Dry Fork Wholesale Grocery Co., Bradshaw, W. Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the adulterated portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

6752. Misbranding of canned tomatoes. U. S. v. 1,245 Cases and 1,797 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11548. Sample Nos. 35547-F, 35548-F.)

LABEL FILED: January 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 10 and 23, 1943, by the W. H. Killian Co., from Baltimore, Md.

PRODUCT: 3,042 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charlotte, N. C.

Examination showed some of the product to be grade C tomatoes.

LABEL, IN PART: (Cans) "Sultana Grade B Tomatoes * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "Grade B," which appeared on the label of the article, was false and misleading as applied to the product, which fell below that quality grade.

DISPOSITION: March 11, 1944. The W. H. Killian Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6753. Misbranding of canned tomatoes. U. S. v. 848 Cases and 249 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11151. Sample Nos. 58505-F, 58506-F.)

LABEL FILED: November 19, 1943, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 21, 1943, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 1,097 cases, each containing 24 cans, of tomatoes at [Radford, Va.

LABEL, IN PART: (Cans) "Realm Vine Ripened Tomatoes * * * Distributed by Household Products Co., General Offices, Chicago."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product fell below the standard of quality prescribed by the regulations because of peel in excess of 1 square inch per pound of canned tomatoes, the maximum peel permitted by the standard, and it did not bear the substandard legend.