

LABEL, IN PART: "Larsen's Freshlike Brand Cut Spinach."
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (b) (2), wood had been substituted in part for spinach.
DISPOSITION: July 26, 1950. The Larsen Co. having executed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16537. Adulteration of corn husks. U. S. v. 28 Bales * * *. (F. D. C. No. 28900. Sample No. 71467-K.)

LIBEL FILED: March 14, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about October 13, 1949, from Manzanillo, Colima, Mexico.

PRODUCT: 28 70-pound bales of corn husks at Los Angeles, Calif.

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 insect parts and rodent hairs, and of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 24, 1950. The Superior Food Products Co., Los Angeles, Calif., 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 brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by trimming, cutting, and hand sorting resulting in the salvage of 580 pounds of husks. The rejects, amounted to 1,120 pounds, were destroyed.

TOMATOES AND TOMATO PRODUCTS*

16538. Adulteration and misbranding of canned tomatoes. U. S. v. 716 Cases * * *. Decree of condemnation. Product ordered released for relabeling. Petition for review by court of appeals filed by Government. Order for relabeling reversed. Product ordered destroyed. (F. D. C. No. 25741. Sample No. 23417-K.)

LIBEL FILED: September 10, 1948, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about July 26 and August 2, 1948, by the Whitten Bros. Canning Co., from Paris, Tex.

PRODUCT: 716 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Duncan, Okla.

LABEL, IN PART: "Del Comida Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the

*See also No. 16502.