

**17281. Adulteration of canned spinach. U. S. v. 77 Cases \* \* \*** (and 13 other seizure actions). (F. D. C. Nos. 30416, 30433, 30436, 30440, 30456, 30522, 30525, 30531, 30537, 30543, 30544, 30548, 30555, 30556. Sample Nos. 1293-L, 1295-L, 5179-L to 5181-L, incl., 10761-L to 10763-L, incl., 11059-L, 11564-L, 11861-L, 11862-L, 15254-L, 15257-L, 15258-L, 16158-L, 16160-L.)

**LIBELS FILED:** Between February 5 and 15, 1951, Northern District of Georgia, District of Massachusetts, Southern District of Indiana, Northern and Western Districts of Oklahoma, Southern District of Ohio, Western District of Kentucky, and Western District of Missouri.

**ALLEGED SHIPMENT:** Between the approximate dates of November 21, 1950, and January 18, 1951, by the Arkansas Valley Canning Co., from Van Buren, Ark.

**PRODUCT:** 2,762 cases of canned spinach at Atlanta, Ga.; Springfield and Holyoke, Mass.; Indianapolis, Ind.; Tulsa and Oklahoma City, Okla.; Xenia and Athens, Ohio; Louisville, Ky.; and Kansas City, Mo.

A portion of the cases contained 6 cans in 6-pound, 2-ounce, and 6-pound, 4-ounce, sizes, and other cases contained 24 cans in 1-pound, 2-ounce, and 1-pound, 11-ounce, sizes.

**LABEL, IN PART:** (Can) "Rebecca Lee [or "Forest Park" or "Square Seal"] Brand Spinach" or "Bluff Creek [or "E Brand Eavey's," "Our Seal," "Kenny's," or "Virginia Lee"] 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 worms.

**DISPOSITION:** Between March 5 and April 5, 1951. Default decrees of condemnation. The courts ordered that a portion of the lots of spinach be delivered to public institutions, for use as animal feed, and that the remainder of the lots be destroyed.

**17282. Adulteration of canned spinch. U. S. v. 181 Cases \* \* \*** (F. D. C. No. 30419. Sample No. 9232-L.)

**LIBEL FILED:** February 16, 1951, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 27, 1950, by the Alma Canning Co., from Alma, Ark.

**PRODUCT:** 181 cases, each containing 48 8-ounce cans, of spinach at Chicago, Ill.

**LABEL, IN PART:** (Can) "Savoy 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 8, 1951. Default decree of condemnation and destruction.

**17283. Adulteration of creole okra dinner. U. S. v. 92 Cases \* \* \*** (F. D. C. No. 30211. Sample Nos. 33507-K, 33513-K.)

**LIBEL FILED:** December 18, 1950, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 26, 1950, by Pine Grove Canning Co., Inc., from St. Martinville, La.

**PRODUCT:** 92 cases, each containing 24 1-pound, 3 ounce cans, of creole okra dinner at Oakland, Calif.

**LABEL, IN PART:** (Can) "Creole Maid Brand Creole Okra Dinner."

**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 10, 1951. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**17284. Adulteration and misbranding of canned tomatoes. U. S. v. 478 Cases \* \* \*. (F. D. C. No. 29864. Sample No. 65433-K.)**

**LIBEL FILED:** November 9, 1950, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 29, 1950, by Merritt Food Products, Inc., from Sweetsers, Ind.

**PRODUCT:** 478 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

**LABEL, IN PART:** "Blossom Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product purported to be, and was represented as, canned tomatoes, and it failed to comply with the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient.

**DISPOSITION:** May 23, 1951. Merritt Food Products, Inc., 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 the purpose of converting it into a concentrated tomato product, under the supervision of the Food and Drug Administration.

**17285. Misbranding of canned tomatoes. U. S. v. 984 Cases \* \* \*. (F. D. C. No. 30200. Sample No. 91505-K.)**

**LIBEL FILED:** December 21, 1950, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 11, 1950, by the Jaqua Co., from Ansonia, Ohio.

**PRODUCT:** 984 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Duluth, Minn.

**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 that it fell below the standard.

**DISPOSITION:** March 13, 1951. Piggly Wiggly Northwest, Inc., Duluth, Minn., 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 relabeled, under the supervision of the Food and Drug Administration.

**17286. Misbranding of canned tomatoes. U. S. v. 622 Cases \* \* \*. (F. D. C. No. 30303. Sample No. 88336-K.)**

**LIBEL FILED:** November 28, 1950, District of New Mexico.

**ALLEGED SHIPMENT:** On or about October 10, 1950, by Hargis Canneries, Inc., from Fayetteville, Ark.

**PRODUCT:** 622 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albuquerque, N. Mex.

**LABEL, IN PART:** (Can) "Hand Packed Hargis Brand Tomatoes."