

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. It was undergoing progressive spoilage. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 20, 1951. Default decree of condemnation and destruction.

**18426. Adulteration of canned spinach. U. S. v. 64 Cases \* \* \*. (F. D. C. No. 32012. Sample No. 24643-L.)**

**LIBEL FILED:** November 13, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 21, 1951, by Flotill Products, from Stockton, Calif.

**PRODUCT:** 64 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Bronx, N. Y.

**LABEL, IN PART:** "Mother's Best Brand 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 aphids.

**DISPOSITION:** November 30, 1951. Default decree of condemnation and destruction.

#### TOMATOES AND TOMATO PRODUCTS

**18427. Adulteration of canned tomatoes. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 32013. Sample No. 5999-L.)**

**LIBEL FILED:** November 8, 1951, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 30, 1950, from Naples, Italy.

**PRODUCT:** 18 cases, each containing 48 1-pound, 1-ounce cans, of tomatoes at Watertown, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. It was undergoing progressive spoilage. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 11, 1952. Default decree of condemnation and destruction.

**18428. Adulteration and misbranding of canned tomatoes. U. S. v. 838 Cases \* \* \*. (F. D. C. No. 32075. Sample No. 18945-L.)**

**LIBEL FILED:** November 9, 1951, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 27, 1951, by Westwood Canning Co., Inc., from New Castle, Ind.

**PRODUCT:** 838 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes, at Hopkins, Minn.

**LABEL, IN PART:** (Can) "Wisdom Tomatoes."

**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 fly eggs and

maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the definition and standard, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18429. Adulteration and misbranding of canned tomatoes. U. S. v. 549 Cases \* \* \*. (F. D. C. No. 32076. Sample No. 18946-L.)

LABEL FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 14, 1951, by the Westwood Canning Co., Inc., from New Castle, Ind.

PRODUCT: 549 cases, each containing 6 unlabeled No. 10 cans, of tomatoes at St. Paul, Minn.

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 fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. Further misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as the definition and standard requires, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18430. Misbranding of canned tomatoes. U. S. v. 153 Cases \* \* \*. (F. D. C. No. 31976. Sample No. 21600-L.)

LABEL FILED: November 2, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 5, 1951, by Delta Canning Co., Inc., from Raymondville, Tex.

PRODUCT: 153 cases, each containing 24 1-pound cans, of tomatoes at Gulfport, Miss.

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

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality because the drained weight was less than 50 percent of the weight of the water required to fill the container.

DISPOSITION: January 23, 1952. The Delta Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and