

Lima beans. Misbranding, Section 403 (a), the label statement "Lima Beans With Smoked Bacon" and the vignette on the label depicting a dish of green lima beans with a substantial proportion of lean bacon were false and misleading as applied to the article, which consisted of dried soaked lima beans containing an extremely small proportion of white fat meat.

**DISPOSITION:** December 15, 1952. The Griffin Grocery Co. having intervened in the case and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**19528. Adulteration of frozen chopped spinach. U. S. v. 364 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34382, 34385. Sample Nos. 51564-L, 59122-L.)**

**LIBELS FILED:** On or about December 9 and 28, 1952, Southern District of New York and Southern District of Florida.

**ALLEGED SHIPMENT:** On or about September 23 and 26, 1952, by the John Inglis Frozen Food Co., from Modesto, Calif.

**PRODUCT:** 443 cases, each containing 24 14-ounce packages, of frozen chopped spinach at White Plains, N. Y., and St. Petersburg, Fla.

**LABEL, IN PART:** (Package) "Buy for Less 19¢ Brand Frozen Fresh Chopped Spinach" and "JI Frozen Fresh Chopped Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen spinach; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and reduce its quality and strength.

**DISPOSITION:** January 5 and 14, 1953. Default decrees of condemnation. The courts ordered that the New York lot be delivered to charitable institutions and that the Florida lot be delivered to a Federal institution, for consumption by the inmates.

**19529. Adulteration of sweet relish. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 34199. Sample No. 66669-L.)**

**LIBEL FILED:** On or about November 5, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 17, 1952, by Colony Foods, from Vineland, N. J.

**PRODUCT:** 16 cases, each containing 4 1-gallon jars, of sweet relish at Wilkes-Barre, Pa.

**LABEL, IN PART:** (Jar) "Colony Brand Sweet Relish."

**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, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 5, 1952. Default decree of condemnation and destruction.

**19530. Misbranding of sauerkraut. U. S. v. 22 Crates \* \* \*. (F. D. C. No. 34088. Sample No. 37073-L.)**

**LIBEL FILED:** October 29, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 16, 1952, by Joe & Katie, Inc., from East Northport, N. Y.

**PRODUCT:** 22 crates, each containing 24 bags, of sauerkraut at Jersey City, N. J. Examination showed that the product contained sulfur dioxide.

**LABEL, IN PART:** (Bag) "Katie's \* \* \* Cured In The Wood New Pack Sauerkraut Vacuum Packed Net Wt. One Pound Contains: Sauerkraut, Sauerkraut juice, and  $\frac{1}{10}$  of 1% Benzoate of Soda."

**NATURE OF CHARGE:** Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

**DISPOSITION:** December 12, 1952. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**19531. Adulteration of canned tomatoes. U. S. v. 96 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34138, 34139. Sample Nos. 66683-L, 66836-L.)**

**LIBELS FILED:** November 21 and 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 27 and September 9, 1952, by Thomas Roberts & Co., Inc., from Woodside, Del.

**PRODUCT:** 122 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Co-Rel Brand Tomatoes" or "Pride Of The Farm Brand \* \* \* 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.

**DISPOSITION:** February 16, 1953. Defaut decrees of condemnation and destruction.

**19532. Adulteration of canned tomatoes. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 34215. Sample No. 14584-L.)**

**LIBEL FILED:** November 14, 1952, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the Eddington Canning Co., from Springville, Utah.

**PRODUCT:** 89 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Denver, Colo.

**LABEL, IN PART:** (Can) "Spring Kist Eddington's Solid Pack Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 21, 1953. The Eddington Canning Co., 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 segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 6 cases, plus 4 cans, of the product were found unfit and were destroyed.