

destroyed, together with that portion of the Wilkes-Barre lot found to be unfit for human consumption. It was further ordered that any portion of the Wilkes-Barre lot that was fit for human food be delivered to charitable institutions.

11254. Adulteration of canned spinach. U. S. v. 1,005 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20297, 20542, 20543. Sample Nos. 1519-H, 1526-H, 1917-H.)

LIBELS FILED: On or about June 26 and July 23, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 27, 1945, by the Clarksville Packing Co., from Clarksville, Ark.

PRODUCT: 1,135 cases, each containing 24 18-ounce cans, of spinach at Atlanta, Ga.

LABEL, IN PART: "Staff-O-Life Brand Spinach Distributed by Cannery Exchange Inc., Springfield, Mo."

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

DISPOSITION: August 12 and 22, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. A portion of the product was utilized as hog-feed.

11255. Adulteration of canned spinach. U. S. v. 515 Cases * * *. (F. D. C. No. 20331. Sample No. 51414-H.)

LIBEL FILED: June 20, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about April 10, 1946, by the Frank M. Wilson Co., from Stockton, Calif.

PRODUCT: 515 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Minneapolis, Minn.

LABEL, IN PART: "California Nugget Brand Fancy 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: February 19, 1947. The claimant having consented to the entry of a decree, judgment was entered ordering that the product be denatured for use as animal feed or destroyed.

11256. Adulteration of canned spinach. U. S. v. 360 Cases and 99 Cases * * *. (F. D. C. Nos. 20067, 20592. Sample Nos. 58200-H, 59332-H.)

LIBELS FILED: June 13 and July 30, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about April 30, 1946, by the Frank Raiter Canning Co., from Salinas, Calif.

PRODUCT: 360 cases, each containing 6 6-pound, 4-ounce cans, and 99 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Seattle, Wash.

LABEL, IN PART: "Raiter's Spinach," or "Raiter's Fancy 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: July 23 and September 18, 1946. The Frank Raiter Canning Co. having appeared as claimant for the 360-case lot and having consented to the entry of a decree, and no claimant having appeared for the other lot, judgments of condemnation were entered. The 360-case lot was ordered released under bond for the purpose of segregating and repacking the fit portion, under the supervision of the Federal Security Agency, and the 99-case lot was ordered destroyed.

11257. Adulteration of canned spinach. U. S. v. 398 Cases * * *. (F. D. C. No. 18122. Sample No. 30788-H.)

LIBEL FILED: November 26, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 19, 1945, by Harcourt, Greene Co. from San Francisco, Calif.

PRODUCT: 398 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "R-Best Brand Spinach * * * Stockton Food Products, Inc., Stockton, 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 aphids.

DISPOSITION: June 12, 1947. The Stockton Food Products Co. having appeared as claimant, the product was ordered released under bond, conditioned that the unfit portion be destroyed under the supervision of the Food and Drug Administration and that the remainder be delivered to the consignee.

11258. Adulteration of canned spinach. U. S. v. 219 Cases, etc. (F. D. C. No. 17256. Sample Nos. 29899-H, 29902-H.)

LIBEL FILED: August 31, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about August 8, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: Canned spinach. 219 cases, each containing 6 6-pound, 2-ounce cans, and 48 cases, each containing 24 1-pound, 11-ounce cans, at Honolulu, T. H.

LABEL, IN PART: "Hit Parade California Spinach packed by Fruitvale Canning Co. Oakland, Calif.," or "Diamond Head Brand 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 aphids.

DISPOSITION: November 5, 1945. The shipper having consented to the entry of a decree, the product was condemned and ordered forfeited.

TOMATOES AND TOMATO PRODUCTS

11259. Misbranding of canned tomatoes. U. S. v. Ripley Canning Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 17815. Sample No. 89873-F.)

INFORMATION FILED: December 4, 1946, Western District of Tennessee, against the Ripley Canning Co., a partnership, Ripley, Tenn.

ALLEGED SHIPMENT: On or about September 26, 1944, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Forked Deer Brand Contents 1 Lb. 3 Oz. Hand Packed Tomatoes Packed by Humboldt Canning Co., Humboldt, Tenn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared weight; Section 403 (h) (1), it fell below the standard of quality prescribed for canned tomatoes, because of the low drained weight and the tomato peel in excess of the amount permitted by the regulations; and, Section 403 (h) (2), it failed to conform to the standard of fill of container prescribed for canned tomatoes since the fill of container was less than 90 percent of the total capacity of the container. The label failed to bear, as specified by the regulations, a statement that the article fell below the standard of quality and fill of container.

DISPOSITION: January 17, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

11260. Adulteration and misbranding of tomato puree. U. S. v. Califruit Canning Co., a partnership, Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli. Pleas of guilty. Fines of \$250 against the partnership defendant and \$5.00 against each of the individual defendants. (F. D. C. No. 20212. Sample Nos. 7322-H, 7938-H, 8150-H, 8152-H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against the Califruit Canning Co., trading and doing business at Manteca, Calif., and Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli, partners.

ALLEGED SHIPMENT: On or about October 23 and 25 and November 9 and 13, 1945, from the State of California into the States of New York and New Jersey.

LABEL, IN PART: (Portion, cans) "Lulu Brand Supreme Product of Distinction B. Dorman and Sons, Brooklyn, N. Y. Distributors Extra Heavy Tomato Puree"; (remainder, cases) "Unlabeled Tomato Puree, Ex. Heavy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.