

PRODUCT: 20 cases, each containing 12 packages, of frozen broccoli at Phoenix, Ariz.

LABEL, IN PART: (Packages) "Booth Famous Foods Quick Frozen Trimmed Cleaned Broccoli Net Weight 2 Pounds Distributed by Booth Fisheries Corporation Chicago, Illinois."

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

DISPOSITION: March 30, 1948. Default decree of condemnation and destruction.

12719. Adulteration of strained peas. U. S. v. 598 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23431, 23432. Sample Nos. 61373-H, 61376-H.)

LIBELS FILED: August 27 and 28, 1947, Northern District of Ohio and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 9 and 16, 1947, by the H. J. Heinz Co., from Medina, N. Y.

PRODUCT: Strained peas. 598 cases at Youngstown, Ohio, and 3,594 cases at Pittsburgh, Pa., each case containing 24 4¾-ounce jars.

LABEL, IN PART: "Heinz Strained Peas."

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 larvae.

DISPOSITION: December 12 and 22, 1947. Default decrees of condemnation and destruction.

12720. Misbranding of canned peas. U. S. v. 1,250 Cases * * *. (F. D. C. No. 23799. Sample No. 28410-K.)

LIBEL FILED: October 10, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1946, by the Dundas Canning Co., from Dundas, Wis.

PRODUCT: 1,250 cases, each containing 6 6-pound, 12-ounce cans, of peas at Denver, Colo.

LABEL, IN PART: "Upper Deck Sweet Peas * * * Distributed by Fall River Canning Co., Fall River, Wisconsin."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peas, since it failed to meet the test for tenderness prescribed by the regulations; and the label failed to bear the substandard legend.

DISPOSITION: January 7, 1947. The Dundas Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

12721. Adulteration of dill pickles. U. S. v. Joseph Bertman (Bertman Products). Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 23586. Sample No. 6547-H.)

LIBEL FILED: October 10, 1947, Northern District of Ohio, against Joseph Bertman, trading as Bertman Products, Cleveland, Ohio.

ALLEGED SHIPMENT: On or about March 4, 1947, from the State of Ohio into the State of New York.

LABEL, IN PART: "Bertman Kosher Dills."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: December 22, 1947. A plea of guilty having been entered, the defendant was fined \$200, plus costs.

12722. Adulteration of spinach. U. S. v. Pacific Gamble Robinson Co. (Pacific Fruit & Produce Co.). Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 23615. Sample Nos. 89222-H, 89235-H to 89237-H, incl.)

INFORMATION FILED: November 3, 1947, District of Colorado, against the Pacific Gamble Robinson Co., a corporation, trading as the Pacific Fruit & Produce Co., at Denver, Colo.

ALLEGED SHIPMENT: On or about June 6 and 11, 1947, from the State of Colorado into the States of Nebraska and Wyoming.

LABEL, IN PART: "Garden Fresh Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of live maggots, larvae, insect eggs, insect fragments, whole insects, flies, fly eggs, a rodent hair, sand, and feather barbules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 17, 1948. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$1,000 was imposed.

TOMATOES AND TOMATO PRODUCTS*

12723. Adulteration and misbranding of canned tomatoes. U. S. v. 500 Cases * * *. (F. D. C. No. 23802. Sample No. 24407-K.)

LABEL FILED: October 9, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 28, 1947, by Roberts Brothers, Inc., from Baltimore, Md.

PRODUCT: 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

LABEL, IN PART: "Roberts Big R Brand Tomatoes."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: November 7, 1947. Roberts Brothers, Inc., defendant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion. 522 cases of the product were seized, 106 $\frac{3}{4}$ cases were segregated and destroyed, and 412 $\frac{15}{24}$ cases were released.

12724. Misbranding of canned tomatoes. U. S. v. 212 Cases * * *. (F. D. C. No. 23892. Sample No. 26903-K.)

LABEL FILED: November 4, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 2, 1947, by the Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 212 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Hand Packed Hargis Brand 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 water required to fill the container, and it was not labeled to show that it was substandard.

DISPOSITION: January 6, 1948. The Hargis Canneries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

12725. Misbranding of canned tomatoes. U. S. v. 95 Cases * * *. (F. D. C. No. 23848. Sample No. 28418-K.)

LABEL FILED: October 14, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about March 26, 1947, by the G. W. Dodgen Canning Co., from Reeds Spring, Mo.

PRODUCT: 95 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Denver, Colo.

LABEL, IN PART: "Baron Brand Tomatoes * * * Packed by Baron Canning Co. Westville, Okla."

*See also Nos. 12602-12611.