

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product contained insects.

**DISPOSITION:** June 3, 1949. Default decree of condemnation and destruction.

**15028. Adulteration of canned sweet potatoes. U. S. v. 194 Cases, etc. (F. D. C. No. 27323. Sample Nos. 3284-K, 3285-K.)**

**LIBEL FILED:** June 13, 1949, District of Maryland.

**ALLEGED SHIPMENT:** On or about January 10 and 17, 1949, by the John W. Taylor Packing Co., from Hallwood, Va.

**PRODUCT:** 1,138 cases, each containing 24 1-pound, 11-ounce (or 1-pound, 2-ounce) cans, of sweet potatoes at Baltimore, Md.

**LABEL, IN PART:** (Can) "Grosse Pointe Quality Solid Pack Sweet Potatoes 1 Lb. 11 Oz." or "Santa Rosa Brand Whole Vacuum Packed Sweet Potatoes Contents 1 Lb. 2 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition.

**DISPOSITION:** July 14, 1949. The Hahn Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered ordering the product released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. Of 1,074 cases that actually were seized, 279 were segregated and destroyed.

**15029. Adulteration and misbranding of canned spinach. U. S. v. 280 Cases \* \* \*. (F. D. C. No. 27167. Sample No. 49076-K.)**

**LIBEL FILED:** April 27, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 1, 1949, by the Raymondville Canning Co., from Raymondville, Tex.

**PRODUCT:** 280 cases, each containing 6 7-pound cans, of spinach at Denver, Colo.

**LABEL, IN PART:** (Can) "Y B Your Best Brand Spinach Net Weight 7 Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), twigs, bark, and grass had been substituted in part for spinach.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than the declared weight of 7 pounds); and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned spinach since it had not been properly prepared from the leaves of the spinach plant, as the definition and standard require.

**DISPOSITION:** June 1, 1949. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**15030. Adulteration of canned tomatoes. U. S. v. 538 Cases \* \* \*. (F. D. C. No. 27173. Sample No. 62150-K.)**

**LIBEL FILED:** April 29, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** On or about December 17, 1948, by the Westwood Canning Co., from Westwood, Ind.

**PRODUCT:** 538 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at New London, Conn.

**LABEL, IN PART:** "Seal of Merit Tomatoes."

**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 fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**15031. Adulteration of canned tomatoes. U. S. v. 421 Cases \* \* \*. (F. D. C. No. 27444. Sample No. 24298-K.)**

**LIBEL FILED:** June 28, 1949, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about May 13, 1949, by the Elwood Canning Co., from Elwood, Ind.

**PRODUCT:** 421 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

**LABEL, IN PART:** "Bluebelle Brand \* \* \* Tomatoes."

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

**DISPOSITION:** September 9, 1949. Default decree of condemnation and destruction.

**15032. Misbranding of canned tomatoes. U. S. v. 184 Cases \* \* \*. (F. D. C. No. 26644. Sample No. 5743-K.)**

**LIBEL FILED:** March 18, 1949, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about January 5, 1949, by Bay Country Foods, Inc., from Easton, Md.

**PRODUCT:** 184 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Concord, N. H.

**LABEL, IN PART:** (Can) "Longwoods Brand Tomatoes \* \* \* Packed \* \* \* by Longwoods Canning Co. Longwoods, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** June 20, 1949. Default decree of condemnation. The court ordered that the product be delivered to a State institution.

**15033. Adulteration of tomato catsup. U. S. v. 599 Cases \* \* \*. (F. D. C. No. 27396. Sample No. 46558-K.)**

**LIBEL FILED:** June 2, 1949, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 2, 1949, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 599 cases, each containing 24 14-ounce bottles, of tomato catsup at East St. Louis, Ill.

**LABEL, IN PART:** "Fettig \* \* \* Tomato Catsup."

**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:** July 12, 1949. Default decree of condemnation and destruction.