

15236. Adulteration and misbranding of canned spinach. U. S. v. 155 Cases * * * (F. D. C. No. 27371. Sample No. 39676-K.)

LIBEL FILED: On or about May 25, 1949, Western District of Texas.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Sallisaw Canning Co., from Sallisaw, Okla.

PRODUCT: 155 cases, each containing 24 1-pound, 11-ounce cans, of spinach at El Paso, Tex.

LABEL, IN PART: "Emerald Bay Brand Spinach."

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

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

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

15237. Misbranding of pickles and relish. U. S. v. 99 Cases, etc. (F. D. C. No. 27184. Sample Nos. 8431-K to 8434-K, incl.)

LIBEL FILED: May 5, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 18 and March 10 and 24, 1949, by Walbeck Foods, from Philadelphia, Pa.

PRODUCT: 99 cases, each containing 24 8-ounce jars, of pickles; 24 cases, each containing 24 1-pint jars, of gherkins; 99 cases, each containing 12 1-quart jars, of pickles; and 89 cases, each containing 24 8-ounce jars, of relish at South Kearny, N. J.

LABEL, IN PART: (Jar) "Walbeck * * * Pickles [or "India Relish" or "Dill Pickles"]" or "Picknick Preserved Sweet Gherkins."

NATURE OF CHARGE: Misbranding, Section 403 (k), the products contained a chemical preservative, sodium benzoate, and they failed to bear labels stating that fact.

DISPOSITION: June 22, 1949. Walter C. Becker, trading as Walbeck Foods, 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 to be repacked or relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS*

15238. Misbranding of canned peeled tomatoes. U. S. v. 1,250 Cases * * * (F. D. C. No. 26398. Sample No. 11079-K.)

LIBEL FILED: January 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 30, 1948, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,250 cases, each containing 24 cans, of peeled tomatoes, at New York, N. Y.

LABEL, IN PART: (Can) "Carmelo Brand Italian Style Peeled Tomatoes Contents 1 Lb. 12 Oz. Avoir."

*See also Nos. 15202-15204.