

DISPOSITION: December 1, 1950, and January 4, 1951. Default decrees of condemnation and destruction.

16892. Misbranding of canned spinach. U. S. v. 275 Cases * * *. (F. D. C. No. 29729. Sample No. 73031-K.)

LIBEL FILED: October 6, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1950, by Lord Mott Co., Inc., from Baltimore, Md.

PRODUCT: 275 cases, each containing 24 1-pound, 2-ounce cans, of spinach at New York, N. Y.

LABEL, IN PART: (Can) "A & P Young, Tender Spinach Grade A."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Grade A" was false and misleading since the product fell below the Grade A standard. (Examination showed that the article was below the Grade A standard as set forth by the Department of Agriculture since it contained grass and seed heads in excess of the amount permitted by the standard.)

DISPOSITION: December 14, 1950. Lord Mott Co., Inc., 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 relabeling, under the supervision of the Food and Drug Administration.

16893. Adulteration of sweet pickles. U. S. v. Mrs. Schlorer's, Inc., and Charles G. Schlorer. Pleas of nolo contendere. Fine of \$150 against each defendant. (F. D. C. No. 28209. Sample Nos. 48585-K, 48586-K, 48610-K.)

INFORMATION FILED: February 14, 1950, Eastern District of Pennsylvania, against Mrs. Schlorer's, Inc., Philadelphia, Pa., and Charles G. Schlorer, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of September 19 and October 17, 1949, from the State of Pennsylvania into the States of New Jersey and Delaware.

LABEL, IN PART: "Mrs. Schlorer's Sweet Midgets [or "Sweet Preserved Pickle Strips" or "Sweet Pickles"] Mrs. Schlorer's Incorporated Philadelphia, Pa. Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 15, 1951. Pleas of nolo contendere having been entered, the court fined each defendant \$150.

TOMATOES AND TOMATO PRODUCTS

16894. Adulteration of canned tomatoes. U. S. v. 53 Cases * * *. (F. D. C. No. 29262. Sample No. 64400-K.)

LIBEL FILED: June 2, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about February 1, 1950, by the Fetting Canning Corp., from Elwood, Ind.

PRODUCT: 53 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mankato, Minn.

LABEL, IN PART: "Nation's Garden Brand Ripe 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.

DISPOSITION: December 15, 1950. Default decree of condemnation. The court ordered that the product be destroyed, or denatured for use as animal feed under the supervision of the Food and Drug Administration.

16895. Misbranding of canned tomatoes. U. S. v. 1,006 Cases * * *.
(F. D. C. No. 29784. Sample No. 74821-K.)

LIBEL FILED: October 5, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about August 31, 1950, by the Lively Canning Corp., from Lively, Va.

PRODUCT: 1,006 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bridgeport, Conn.

LABEL, IN PART: (Can) "Tomato Queen Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, and its label failed to bear, as required by the regulations, a statement that the product fell below the standard.

DISPOSITION: December 15, 1950. The Lively Canning Corp., 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 relabeled, under the supervision of the Food and Drug Administration.

16896. Adulteration of tomato catsup. U. S. v. 89 Cases * * *. (F. D. C. No. 30125. Sample No. 55058-K.)

LIBEL FILED: November 8, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 13, 1950, by Sweetsers Packing Co., Inc., from Sweetsers, Ind.

PRODUCT: 89 cases, each containing 24 14-ounce bottles, of tomato catsup at Jasper, Ala.

LABEL, IN PART: "Realm Tomato Catsup."

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: December 13, 1950. Default decree of condemnation and destruction.