

PRODUCT: 63 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Detroit, Mich.

LABEL, IN PART: "Aunt Nellie's Garden Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), pieces of wood and plant particles had been substituted in whole or in part for spinach.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned spinach since the vegetable ingredient of the article was not obtained by preparation from the succulent vegetable in that it had not been cleaned to remove pieces of wood and plant particles.

DISPOSITION: February 5, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

20081. Adulteration of sweet pickle relish. U. S. v. 32 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 33942, 33945, 34111. Sample Nos. 66627-L, 66666-L, 66833-L, 66845-L.)

LIBELS FILED: October 21 and November 21, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 22 and October 9 and 22, 1952, by Colony Foods, from Vineland, N. J.

PRODUCT: 96 cases, each containing 4 1-gallon jars, of sweet pickle relish at Philadelphia, Pa.

LABEL, IN PART: (Jars) "Stricklers' * * * Dove Brand Sweet Relish," "Blue Knot * * * Sweet Relish," or "Colony Brand Sweet Relish."

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 fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 26, 1953. Default decrees of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

20082. Alleged adulteration of canned tomatoes. U. S. v. 558 Cases * * *. Tried to the court. Judgment for the claimant. (F. D. C. No. 31997. Sample No. 8932-L.)

LIBEL FILED: On or about November 15, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 9, 1951, by the Jaqua Canning Co., from Ansonia, Ohio.

PRODUCT: 558 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: (Can) "Iona Tomatoes."

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 fly eggs and maggots.

DISPOSITION: The Jaqua Canning Co., claimant, filed an answer denying that the product was adulterated. Written interrogatories were then served by each of the parties to the action upon each other and subsequently were answered. The case came on for trial before the court without a jury on April