NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard, and its label failed to contain a statement to that effect.

DISPOSITION: May 6, 1946. Herbert A. Nieman and Co., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10825. Adulteration of dill pickles and banana peppers. U. S. v. 507 Cases * * * and 414 Cases * * *. (F. D. C. No. 18099. Sample Nos. 14032–H to 14035–H, incl.)

LIBEL FILED: November 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 8, 1945, by the Sparks Food Products Co., from Mazomanie, Wis.

PRODUCT: 264 cases, each containing 12 1-quart jars, and 243 cases, each containing 24 1-pint jars, of dill pickles, and 414 cases, each containing 12 1-quart jars, of banana peppers at Cincinnati, Ohio.

LABEL, IN PART: "Sparks * * * Dill Pickles [or "Banana Peppers"]."

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

DISPOSITION: February 19, 1946. The Sparks Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the sound portion be segregated and repacked in fresh brine, and that the remainder, including the old brine, be destroyed under the supervision of the Food and Drug Administration.

10826. Adulteration of canned sweet potatoes. U. S. v. 214 Cases * * *. (F. D. C. No. 18478. Sample No. 21265–H.)

LIBEL FILED: On or about November 26, 1945; amended on or about December 17, 1945, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 30, 1945, by the Pelican Lake Oyster and Packing Co., Ltd., from Houma, La.

PRODUCT: 214 cases, each containing 24 1-pound, 14-ounce cans, of sweet potatoes at Tulsa, Okla.

LABEL, IN PART: "Pel-La-Co Brand Sweet Potatoes."

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 ants, larva, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10827. Adulteration of canned spinach. U. S. v. 2,724 Cases * * *. (F. D. C. No. 18416. Sample No. 392–H.)

LIBEL FILED: November 26, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 20 and 21, 1945, by the Smith Canning Co., from Siloam Springs, Ark.

PRODUCT: 2,724 1-pound, 2-ounce cans, of spinach at Jacksonville, Fla.

LABEL, IN PART: "Iona Spinach * * * Standard Quality Grade C."

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 aphids.

DISPOSITION: November 18, 1946. The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered delivered to a public institution, for use as animal feed.