

VEGETABLES AND VEGETABLE PRODUCTS

26078. Canned potatoes. (F.D.C. No. 43611. S. No. 72-147 P.)

QUANTITY: 66 cases, 6 6-lb. 6-oz. cans each, at Atlanta, Ga.

SHIPPED: 5-12-59, from Tabor City, N.C.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-19-59, N. Dist. Ga.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-18-59. Default—destruction.

26079. Fresh spinach. (F.D.C. No. 43506. S. Nos. 45-591/2 P, 49-274 P.)

QUANTITY: 55 40-lb. crates, 10 35-lb. crates, and 324 10-oz. pkgs., at Denver, Colo.

SHIPPED: 10-27-59, from Castroville, Calif., by Earl B. Andersen.

LABEL IN PART: (Crate) "E. B. Andersen Packing Company SPINACH Growers-Packers-Shippers Castroville, Calif. Union Packed." and (bag) "Mrs. Condie's Fresh Washed Spinach—Mrs. Condie's Salad Co. * * * Denver, Colorado" and "Johnny Downs Spinach-Denver, Colorado. Fresh Vegetable Package Company."

LIBELED: 11-12-59, Dist. Colo.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity and when shipped, contained a pesticide chemical, namely, perthane, which is unsafe within the meaning of 408, since the quantity of perthane contained on the article was greater than the tolerance fixed by regulations for perthane on fresh spinach.

DISPOSITION: 12-16-59. Default—destruction.

26080. Canned succotash. (F.D.C. No. 41863. S. No. 4-443 P.)

QUANTITY: 24 ctns., 24 1-lb. cans each, at Washington, N.C.

SHIPPED: 5-13-58, from Baltimore, Md., by Lord-Mott Co., Inc.

LABEL IN PART: (Can) "Old Reliable * * * Triple Succotash."

LIBELED: 6-23-58, E. Dist. N.C.

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 8-4-58. Default—destruction.

26081. Olives. (F.D.C. No. 42260. S. No. 30-821 P.)

QUANTITY: 3 150-lb. kegs at New York, N.Y.

SHIPPED: November 1957, from Greece.

LIBELED: 10-6-58, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed olives while held for sale.

DISPOSITION: 10-29-58. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

26082. Canned tomatoes. (Inj. No. 348.)

COMPLAINT FOR INJUNCTION FILED: 12-24-58, E. Dist. Va., against William I. James, t/a James & James, Kendall Grove, Va.

CHARGE: The complaint alleged that the defendant was engaged in the business of preparing, canning, and distributing canned tomatoes and that the defendant had on hand, at the James & James cannery, 7,500 cases, each containing 24 1-lb. cans of tomatoes, and bearing code numbers 8T50, 8T80, 8T81, 8T82, 8T90, which would, in the usual and ordinary course of business, be introduced and delivered for introduction into interstate commerce by the defendant, and which constituted a menace to interstate commerce in that they were adulterated under 402(a) (3) by reason of the presence of fly eggs and maggots in the tomatoes.

The complaint alleged further that the defendant was well aware of the requirements of the Act; that factory inspections of the defendant's cannery were made by the Food and Drug Administration on 8-10-54 and 8-20-58, at which times the defendant was warned against the interstate shipment of adulterated canned tomatoes and of the infestation of raw stock tomatoes with fly eggs and maggots; and, that on 8-26-58, after the inspection of 8-20-58, the defendant had shipped 350 cases of canned tomatoes in interstate commerce, which canned tomatoes were seized on 11-3-58, as being violative of 402(a) (3) by reason of the presence of fly eggs and maggots.

DISPOSITION: The court entered a temporary restraining order on 12-24-58, and a preliminary injunction on 1-2-59. On 1-7-59, the defendant having consented, a decree of permanent injunction was entered against the defendant enjoining him against the introduction and delivery for introduction into interstate commerce, of any of the 7,500 cases which bore the code numbers 8T50, 8T80, 8T81, 8T82, and 8T90.

26083. Canned tomatoes. (F.D.C. No. 43621. S. No. 68-265 P.)

QUANTITY: 388 cases, 6 6-lb. 6-oz. cans each, at Philadelphia, Pa.

SHIPPED: 8-26-59, from Quantico, Md., by M. W. Acworth & Son, Inc.

LABEL IN PART: (Can) "Penn Tomatoes * * * Packed for Spatola-Thompson, Inc., Phila., Pa."

LIBELED: 10-28-59, E. Dist. Pa.

CHARGE: 402(a) (3)—contained fly eggs and maggots; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-24-59. Default—destruction.

26084. Tomato catsup. (F.D.C. No. 43603. S. No. 68-254 P.)

QUANTITY: 598 cases, 24 14-oz. btls. each, at Philadelphia, Pa.

SHIPPED: 9-23-59, from Hammonton, N.J., by C & E Cannery, Inc.

LABEL IN PART: (Btl.) "Ideal Hot Tomato Catsup * * * Distributed by American Stores Co., Phila., Pa. Acme Ideal."

LIBELED: 10-16-59, E. Dist. Pa.

CHARGE: 402(a) (3)—contained fly eggs, flies, and maggots when shipped.

DISPOSITION: 12-2-59. Default—destruction.

26085. Tomato sauce. (F.D.C. No. 43443. S. No. 60-743 P.)

QUANTITY: 72 cases, 96 tins each, at Salem, Oreg.

SHIPPED: 2-11-59, from Oakland, Calif., by Veronica Olive Oil Co.

LABEL IN PART: (Tin) "Delicious Brand Tomato Sauce Net Weight 7½ ozs. * * * Distributed by Delicious Food Products, Oakland, Calif."; (case) "8 doz. San Benito Brand * * * Hollister Canning Co. Hollister, California."