ALLEGED SHIPMENT: On or about June 1, 1945, by the Stilwell Canning Co., from Stilwell, Okla.

PRODUCT: 1,485 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Chicago, Ill.

LABEL, IN PART: "Keep 'Em Flying! * * * Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sand.

DISPOSITION: October 8, 1945. The shipper having filed an answer denying the allegations of the libel and asking for its dismissal, by agreement between counsel the case was ordered removed and transferred from the Northern District of Illinois to the Eastern District of Oklahoma. On November 7, 1945, on motion of the United States attorney for the Northern District of Illinois, the court in that district vacated the order of removal and directed that the case be returned. On March 26, 1945, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

## TOMATOES AND TOMATO PRODUCTS*

**9367. Adulteration of tomato juice. U. S. v. 300 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 18818. Sample No. 15921–H.)

LIBEL FILED: January 11, 1946, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 23, 1945, by the Denbo Packing Co., from Chicago, Ill.

PRODUCT: 300 cases, each containing 12 46-ounce cans, of tomato juice at Roanoke, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9368. Adulteration of tomato juice and tomato puree. U. S. v. 1,873 Cases of Tomato Juice and 496 Cases of Tomato Puree. Decrees of destruction.** (F. D. C. Nos. 18688, 18855. Sample Nos. 29517–H, 46618–H.)

LIBELS FILED: December 20, 1945, and January 17, 1946, Eastern District of Pennsylvania and District of Minnesota.

ALLEGED SHIPMENT: On or about November 15 and December 26, 1945, by the Hollister Canning Co., from Hollister, Calif.

PRODUCT: 1,873 cases, each containing 24 1-pint, 2-fluid ounce cans, of tomato juice at Philadelphia, Pa., and 496 cases, each containing 6 6½-pound cans, of tomato puree at St. Paul, Minn.

LABEL, IN PART: "Hollister Brand California Tomato Juice," or "Felice Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: On March 19, 1946, the sole intervener having withdrawn its claim for the tomato juice, judgment of condemnation was entered and the product was ordered destroyed. On April 5, 1946, no claimant having appeared for the tomato puree, judgment was entered ordering the product destroyed unless converted into, and disposed of as, animal feed, under the supervision of the Food and Drug Administration.

**9369. Adulteration of tomato puree. U. S. v. 48 Cases and 1,038 Cases of Tomato Puree. Decrees of condemnation. Product ordered destroyed.** (F. D. C. Nos. 18720, 18948. Sample Nos. 8334–H, 39416–H.)

LIBELS FILED: January 4 and 8, 1946, Northern District of Illinois and Southern District of New York.

ALLEGED SHIPMENT: On or about September 25 and October 17, 1945, by Walter English, from Columbus, Ohio, and Morgantown, Ind.

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*See also Nos. 9337, 9392.