

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.

*See also Nos. 9337, 9392.

PRODUCT: 48 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Chicago, Ill., and 1,038 cases, each containing 6 6-pound, 10-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: (Portion) "Walter English Brand Tomato of Puree."

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

DISPOSITION: January 30 and April 23, 1946. No claimant having appeared for the New York lot, and the claimant for the Chicago lot having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

9370. Adulteration of tomato puree. U. S. v. 150 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 18893. Sample No. 46772-H.)

LABEL FILED: January 25, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about December 5, 1945, by the Escalon Packers, Inc., from Escalon, Calif.

PRODUCT: 150 cases, each containing 6 6-pound, 11-ounce cans, of tomato puree at Alameda, Calif.

LABEL, IN PART: "Deerwood Tomato Puree * * * Distributed By United Buyers Corporation Chicago San Francisco."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9371. Adulteration of tomato puree. U. S. v. 92 Cases of Tomato Puree. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 19067. Sample No. 16066-H.)

LABEL FILED: February 1, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 1, 1945, by the Mays Packing Co., from Mays, Ind.

PRODUCT: 92 cases, each containing 6 cans, of tomato puree at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

NUTS AND NUT PRODUCTS

9372. Adulteration of shelled almonds. U. S. v. 511 Bags of Shelled Almonds. Tried to the court. Portion of product ordered released; remainder condemned and ordered released under bond. (F. D. C. No. 19005. Sample No. 1806-H.)

LABEL FILED: On or about January 24, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 1945, from Sacramento, Calif.

PRODUCT: 511 100-pound bags of shelled almonds at Atlanta, Ga., in the possession of the Atlantic Co. Cold Storage Plant No. 1. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and examination showed that the product contained rodent hairs and rodent-gnawed almonds.

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

DISPOSITION: On February 18, 1946, the McPhail Chocolates Corporation, Atlanta, Ga., claimant, having filed an answer alleging that each bag of the product was a separate article of food, and that only a few of the bags had holes in them, the case came on for trial before the court. On February 19, 1946, prior to the conclusion of the trial, a decree of condemnation was entered against the damaged portion of the product, which portion was ordered released under bond to be brought into compliance with the law, or destroyed,