

ALLEGED SHIPMENT: On or about June 6 and 11, 1947, from the State of Colorado into the States of Nebraska and Wyoming.

LABEL, IN PART: "Garden Fresh Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of live maggots, larvae, insect eggs, insect fragments, whole insects, flies, fly eggs, a rodent hair, sand, and feather barbules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 17, 1948. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$1,000 was imposed.

TOMATOES AND TOMATO PRODUCTS*

12723. Adulteration and misbranding of canned tomatoes. U. S. v. 500 Cases * * *. (F. D. C. No. 23802. Sample No. 24407-K.)

LIBEL FILED: October 9, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 28, 1947, by Roberts Brothers, Inc., from Baltimore, Md.

PRODUCT: 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

LABEL, IN PART: "Roberts Big R Brand Tomatoes."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: November 7, 1947. Roberts Brothers, Inc., complainant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion. 522 cases of the product were seized, 106 $\frac{3}{4}$ cases were segregated and destroyed, and 412 $\frac{15}{24}$ cases were released.

12724. Misbranding of canned tomatoes. U. S. v. 212 Cases * * *. (F. D. C. No. 23892. Sample No. 26903-K.)

LIBEL FILED: November 4, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 2, 1947, by the Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 212 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Hand Packed Hargis Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality because the drained weight was less than 50 percent of the weight of water required to fill the container, and it was not labeled to show that it was substandard.

DISPOSITION: January 6, 1948. The Hargis Canneries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

12725. Misbranding of canned tomatoes. U. S. v. 95 Cases * * *. (F. D. C. No. 23848. Sample No. 28418-K.)

LIBEL FILED: October 14, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about March 26, 1947, by the G. W. Dodgen Canning Co., from Reeds Spring, Mo.

PRODUCT: 95 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Denver, Colo.

LABEL, IN PART: "Baron Brand Tomatoes * * * Packed by Baron Canning Co. Westville, Okla."

*See also Nos. 12602-12611.