

ALLEGED SHIPMENT: Between the approximate dates of February 10 and August 8, 1949, from the State of Ohio into the States of Kentucky, Tennessee, Georgia, and Indiana.

LABEL, IN PART: "Red Rose Golden [or "Cream Style White" or "Cream Style Golden"] Sweet Corn" and "Honey Dew * * * Sugar Corn."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned cream style corn since the product had not been sealed in a container and so processed by heat as to prevent spoilage.

DISPOSITION: September 1, 1950. Pleas of guilty having been entered, the court fined the corporation \$600 and the individual defendant \$300.

16535. Adulteration of dried mushrooms and mushroom salt. U. S. v. Cultured Mushroom Industries, Inc., and Arthur Thomas Lelles. Pleas of guilty. Corporation fined \$100 on count 1 and \$1.00 on each of counts 2 and 3. Individual sentenced to serve, in a Federal prison camp, 6 months on count 1 and 1 day on each of counts 2 and 3, the sentences on each count to be served concurrently. (F. D. C. No. 28178. Sample Nos. 40803-K to 40805-K, incl.)

INFORMATION FILED: January 31, 1950, Western District of Washington, against Cultured Mushroom Industries, Inc., Seattle, Wash., and Arthur Thomas Lelles, president of the corporation.

ALLEGED SHIPMENT: On or about May 22, 1949, from the State of Washington into the State of Nevada.

LABEL, IN PART: "Reliable Quality Brand [or "Genuine Cultured Brand"] Dried Mushrooms" and "Cultured Mushroom Salt Made from Cultured Dried Mushrooms seasoned with salt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of (in the dried mushrooms) worms, insects, insect and worm fragments, insect excreta pellets, and insect-damaged mushroom material, and (in the mushroom salt) worm and insect fragments and insect excreta pellets.

DISPOSITION: August 7, 1950. Pleas of guilty having been entered, the court fined the corporation \$100 on count 1 and \$1.00 on each of counts 2 and 3, and sentenced the individual to serve, in a Federal prison camp, 6 months on count 1 and 1 day on each of counts 2 and 3. The sentences were to be served concurrently.

16536. Adulteration of canned spinach. U. S. v. 137 Cases * * *. (F. D. C. No. 29273. Sample No. 75012-K.)

LIBEL FILED: June 20, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about May 10, 1950, by the Larsen Co., from Green Bay, Wis.

PRODUCT: 137 cases, each containing 24 15-ounce cans, of spinach at Denver, Colo.

RESULTS OF INVESTIGATION: Samples of this product were found to contain larvae, thrips, and aphids, and small pieces of wood.

LABEL, IN PART: "Larsen's Freshlike Brand Cut Spinach."
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 insects; and, Section 402 (b) (2), wood had been substituted in part for spinach.
DISPOSITION: July 26, 1950. The Larsen Co. having executed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16537. Adulteration of corn husks. U. S. v. 28 Bales * * *. (F. D. C. No. 28900. Sample No. 71467-K.)

LIBEL FILED: March 14, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about October 13, 1949, from Manzanillo, Colima, Mexico.

PRODUCT: 28 70-pound bales of corn husks at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs, and of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 24, 1950. The Superior Food Products Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by trimming, cutting, and hand sorting resulting in the salvage of 580 pounds of husks. The rejects, amounted to 1,120 pounds, were destroyed.

TOMATOES AND TOMATO PRODUCTS*

16538. Adulteration and misbranding of canned tomatoes. U. S. v. 716 Cases * * *. Decree of condemnation. Product ordered released for relabeling. Petition for review by court of appeals filed by Government. Order for relabeling reversed. Product ordered destroyed. (F. D. C. No. 25741. Sample No. 23417-K.)

LIBEL FILED: September 10, 1948, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about July 26 and August 2, 1948, by the Whitten Bros. Canning Co., from Paris, Tex.

PRODUCT: 716 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Duncan, Okla.

LABEL, IN PART: "Del Comida Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the

*See also No. 16502.