

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of worms.

DISPOSITION: Between the dates of March 6 and May 1, 1951. Default decrees of condemnation. The courts in all instances, with the exception of the seizure at Minneapolis, ordered the product destroyed, and that the portion of the product seized in Minneapolis be destroyed or denatured and disposed of as animal feed.

17234. Adulteration and misbranding of canned spinach. U. S. v. 165 Cases * * * (and 23 other seizure actions). (F. D. C. Nos. 30501, 30510, 30517 to 30519, incl., 30523, 30524, 30534 to 30536, incl., 30547, 30645, 30646, 30654, 30657, 30658, 30665, 30669, 30676, 30708, 30763, 30764, 30818, 30830. Sample Nos. 4832-L, 4833-L, 5258-L, 5259-L, 5269-L, 6864-L, 7053-L, 7061-L, 7064-L, 7067-L, 9951-L to 9954-L, incl., 15052-L, 15053-L, 15757-L, 16163-L, 16164-L, 30760-L, 30954-L, 31263-L, 31358-L, 31493-L to 31498-L, incl., 31862-L, 31864-L, 31866-L, 32154-L to 32157-L, incl., 32166-L, 32169-L.)

LIBELS FILED: Between February 1 and March 15, 1951, Southern District of Illinois, Eastern and Western Districts of Missouri, Eastern District of Wisconsin, Western District of Pennsylvania, Northern District of Ohio, District of Nebraska, Western District of Oklahoma, District of Maine, and District of Massachusetts.

ALLEGED SHIPMENT: Between July 19, 1950, and January 23, 1951, by the Russellville Canning Co., from Russellville, Ark.

PRODUCT: 5,820 cases of canned spinach at Bloomington, Quincy, and Granite City, Ill.; St. Louis and Kansas City, Mo.; Milwaukee, Wis.; Pittsburgh and Beaver Falls, Pa.; Youngstown, Ohio; Omaha, Nebr.; Enid, Okla.; Augusta, Waterville, and Portland, Maine; and Brighton, Mass.

A portion of the cases contained 6 cans in a 6-pound, 2-ounce size; a portion contained 24 cans in 1-pound, 2-ounce, and 1-pound, 11-ounce, sizes; and other cases contained 48 cans in a 10-ounce size.

LABEL, IN PART: (Portions) "Camel Garden [or "Red Robe," "Russellville Brand," "White Ribbon," "Haase's Brand Early Garden," "Like Fresh Brand Topmost," "Topmost Brand," "American Lady Brand," "Roundy's White Label," "My-Te-Good Brand," "Arkoma Brand," "Brimfull Brand," "Nation Wide New-Process," "G. W. Brand," "Fort Western Brand," "Nation Wide," or "Elm Farm"] 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 worms.

Misbranding, Section 403 (e) (2), the article in one of the St. Louis lots failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 1 Lb. 2 Ozs." was inaccurate. (The article in this lot was packed in No. 10 cans holding approximately 6 pounds and 2 ounces.)

DISPOSITION: Between February 28 and May 7, 1951. Default decrees of condemnation. The courts ordered that certain lots of the product be delivered to public institutions, for use as animal feed, and that the other lots be destroyed.