

presence of more than 1 pit per 20 ounces of net contents, and its label did not bear a plain and conspicuous statement that it fell below such standard.

On May 8, 1941, Spokane Valley Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1968. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3684. Sample No. 22064-E.)**

On January 17, 1941, the United States attorney for the Northern District of California filed a libel against 37 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 20, 1940, by Stayton Canning Co. Cooperative from Portland, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Red Sour Pitted Cherries Water Pack Xtra Value."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CANNED VEGETABLES**

**1969. Adulteration of canned spinach. U. S. v. 100 Cases and 98 Cases of Canned Spinach. Default decrees of condemnation and destruction. (F. D. C. Nos. 3989, 4291. Sample Nos. 37622-E, 48242-E.)**

Examination showed that this product was decomposed.

On March 22 and on or about April 12, 1941, the United States attorney for the Northern District of Georgia filed libels against 198 cases, each containing 6 No. 10 cans, of spinach at East Point, Ga., alleging that the article had been shipped on or about February 17 and March 12, 1941, by Fox Bros. Co. from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lush'us Brand Spinach \* \* \* Distributed By Affiliated Food Distributors, Inc. \* \* \* Chicago, Ill."

On April 16 and May 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1970. Adulteration of canned red kidney beans. U. S. v. 92 Cases of Canned Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 3618. Sample No. 55374-E.)**

Examination showed that this product had undergone chemical decomposition and deterioration and had an astringent and metallic taste.

On January 2, 1941, the United States attorney for the Western District of Washington filed a libel against 92 cases, each containing 24 No. 2 cans, of red kidney beans at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 12, 1937, by Phillips Packing Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Phillips Delicious Red Kidney Beans."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1971. Misbranding of canned green beans. U. S. v. 173 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4218. Sample No. 47428-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of tough strings.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 173 cases, each containing 24 No. 2 cans, of green beans at Chicago, Ill., alleging that the article had been shipped on or about November 16, 1940, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was misbranded in that the term "Quality Supreme Fancy," appearing on the label, was false and misleading as applied to an article that was not fancy because of the presence of tough strings. The article was labeled in part: "Lake View Quality Supreme Fancy Whole Green Beans."

On April 22, 1941, Banner Wholesale Grocers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1972. Misbranding of canned string beans. U. S. v. 143 Cases of Canned String Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4210. Sample No. 47057-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of spotted and overmature beans.

On or about April 16, 1941, the United States attorney for the Northern District of Illinois filed a libel again 143 cases, each containing 24 No. 2 cans, of string beans at Cicero, Ill., alleging that the article had been shipped by the Sampson Canning Co. from Wisconsin Rapids, Wis., on February 24 and March 11, 1941; and charging that it was misbranded in that the term "Fancy," appearing in the labeling, was false and misleading as applied to an article which showed the presence of spotted beans and some overmature beans. The article was labeled in part: "Security Brand Fancy Cut Green Beans."

On May 26, 1941, Mid City Wholesale Grocers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1973. Misbranding of canned wax beans. U. S. v. 90 Cases of Canned Wax Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4485. Sample No. 46578-E.)**

This product was not of Fancy quality, as labeled, because of the presence of old, fibrous, and stringy pods.

On April 24, 1941, the United States attorney for the Eastern District of New York filed a libel against 90 cases, each containing 24 No. 2 cans, of wax beans at Brooklyn, N. Y., alleging that the article had been shipped on or about February 24, 1941, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of old, fibrous, and stringy pods. The article was labeled in part: "Horn Brand Fancy Cut Wax Beans."

On May 23, 1941, Einhorn's, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1974. Misbranding of canned beets. U. S. v. 77 Cases of Canned Beets. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4450. Sample No. 29315-E.)**

This product was not of Fancy quality, as labeled, because of the presence of tough beets.

On April 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 77 cases, each containing 24 No. 2 cans, of beets at Cincinnati, Ohio, alleging that the article had been shipped on or about December 26, 1940, by the Larsen Co., Green Bay, Wis.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of tough beets. The article was labeled in part: "Pleezing Fancy Cut Beets."

On May 23, 1941, the Larsen Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

Nos. 1975 to 1984 report the seizure and disposition of canned corn which was represented on the label as being of Fancy quality but was found to consist of hard and overmature kernels of corn.

**1975. Misbranding of canned corn. U. S. v. 270 Cases of Canned Corn. Consent decree of condemnation with provision for release of product under bond for relabeling. (F. D. C. No. 4430. Sample No. 69018-E.)**

On April 23, 1941, the United States attorney for the District of New Jersey filed a libel against 270 cases, each containing 24 No. 2 cans, of corn at Newark, N. J., alleging that the article had been shipped on or about March 26, 1941, from Camden, N. Y., by the Camden Packing Co.; and charging that it was misbranded in that the term "Fancy" was false and misleading as