

3317. Misbranding of canned green beans. U. S. v. 329 Cases of Canned Green Beans. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 7151. Sample No. 87949-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of blemished pieces, short nubbins, and unsnipped stem ends.

On April 7, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 329 cases, each containing 24 cans, of green beans at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about March 18 and 20, 1942, by Land O' The Sky Mutual Association, Inc., from Waynesville, N. C.; and charging that it was misbranded. It was labeled in part: (Cans) "Our Betsy Fancy Cut Green Stringless Beans * * * 1 Lb. 12 Ozs."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of blemished pieces, short nubbins, and unsnipped stem ends.

On April 23, 1942, Lewis, Hubbard & Co., Charleston, W. Va., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

3318. Adulteration of canned beets. U. S. v. 28 Cases and 44 Cases of Canned Beets. Consent decree of condemnation and destruction. (F. D. C. No. 7023. Sample Nos. 81559-E, 81560-E.)

Examination showed that this product was in part decomposed.

On March 14, 1942, the United States attorney for the District of Colorado filed a libel against 72 cases of canned beets at Denver, Colo., which had been consigned by the Marshall Canning Co., alleging that the article had been shipped in interstate commerce on or about June 25, 1941, from Sugar Land, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Jack Sprat Sliced [or "Cut"] Beets * * * Distributed by Jack Sprat Foods, Inc., Marshalltown, Iowa."

On April 15, 1942, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3319 to 3327 report the seizure and disposition of canned corn that was not of Fancy quality, as labeled, because the kernels were too mature.

3319. Misbranding of canned corn. U. S. v. 31 Cases of Canned Corn. Decree of condemnation. Product ordered distributed to local charitable agencies. (F. D. C. No. 7153. Sample No. 44747-E.)

Examination showed that this product was not of the Country Gentleman variety and was not of Fancy quality, as labeled.

On April 15, 1942, the United States attorney for the District of Colorado filed a libel against 31 cases, each containing 24 No. 2 cans, of corn at Denver, Colo., which had been consigned by Beaver Valley Canning Co., alleging that the article had been shipped on or about November 6, 1941, from Grimes, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Shurfine Fancy Grade Whole Kernel Country Gentleman Corn National Retailer Owned Grocers, Inc. Distributors, Chicago, Ill."

The article was alleged to be misbranded in that the statement "Fancy Country Gentleman Corn" was false and misleading as applied to an article that was not of the Country Gentleman variety and was not of Fancy quality because it was too mature.

On April 24, 1942, Beaver Valley Canning Co., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered distributed to local charitable agencies.

3320. Misbranding of canned corn. U. S. v. 114 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6797. Sample No. 54473-E.)

On January 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 114 cases, each containing 24 No. 2 cans, of corn at Philadelphia, Pa., alleging that the article had been shipped on or about October 18, 1941, by Empire State Canning Co. from Stacy Basin, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Uco Our Best Grade Fancy Cream Style Golden Sweet Corn * * * Uco Food Corp. Newark, N. J. Distributors."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because it was too mature.

On February 24, 1942, Empire State Canning Co. having appeared as claimant, 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.

3321. Misbranding of canned corn. U. S. v. 111 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6241. Sample No. 74573-E.)

On November 17, 1941, the United States attorney for the District of New Jersey filed a libel against 111 cases, each containing 24 cans, of corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 5, 1941, by Fairmont Canning Co. from Fairmont, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Uco Fancy Cream Style Country Gentleman Sweet Corn Contents 1 Lb. 1 Oz. * * * Uco Food Corp. Newark, N. J. Distributors."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of overmaturity and lack of tenderness of the kernels.

On January 9, 1942, Uco Food Corporation, 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.

3322. Misbranding of canned corn. U. S. v. 52 Cases and 172 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. 6878. Sample Nos. 73505-E, 73508-E.)

In addition to the fact that this product was overmature for the designation "Fancy," a portion contained numerous pulled kernels, considerable cob, husk, and silk.

On February 17, 1942, the United States attorney for the District of Nebraska filed a libel against 224 cases, each containing 24 No. 2 cans, of corn at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 1 and December 10, 1941, and January 12, 1942, by Iowa Canning Co. from Vinton, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Tendersweet Fancy Corn Whole Kernel White Country Gentleman [or "Golden Bantam"]."

The article was alleged to be misbranded in that it was labeled as of Fancy quality, which was false and misleading since it was not of Fancy quality.

On April 13, 1942, Iowa Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently the product was relabeled.

3323. Misbranding of canned corn. U. S. v. 173 Cases of Corn. Consent decree of condemnation. Product released to claimant for relabeling. (F. D. C. No. 6699. Sample No. 73085-E.)

Examination showed that this product was not of "Grade A" or "Fancy" quality, as labeled, because of overmaturity of the kernels.

On or about January 20, 1942, the United States attorney for the Western District of Missouri filed a libel against 173 cases, each containing 24 No. 2 cans, of corn at North Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 21 and November 4, 1941, by Keene-Belvidere Canning Co. from Belvidere, Ill.; and charging that it was misbranded. It was labeled in part: (Cans) "Kroger's Country Club Quality Brand Fancy Whole Kernel Yellow Corn Golden Bantam Hybrid Grade A * * * Distributed by The Kroger Grocery & Baking Co. * * * Cincinnati, Ohio * * * The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality."

The article was alleged to be misbranded in that the following label statements, "Fancy," "Grade A," and "The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality," were false and misleading as applied to an article that was not of Fancy or Grade A quality.

On March 14, 1942, Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product