

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6132. Adulteration of prune crush. U. S. v. 367 Cases of Prune Crush. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 9376. Sample No. 11062-F.)

LIBEL FILED: On or about February 24, 1943. Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 26, 1943, by the L. Demartini Co., from Oakland, Calif.

PRODUCT: 367 cases, each containing 6 jars, of prune crush at Chicago, Ill.

LABEL IN PART: "Prune Crush A combination of Dry Prunes and Water."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; rodent-type hairs and insect fragments.

DISPOSITION: On November 26, 1943, pursuant to motion by the L. Demartini Co., San Francisco, Calif., claimant, the case was transferred to the Southern District of California, and on April 26, 1944, the case came on for trial before a jury. After the testimony had been taken, a verdict was rendered by the jury in favor of the Government and, pursuant thereto, judgment of condemnation was entered on June 27, 1944, and the product was ordered destroyed.

CANNED VEGETABLES

6133. Misbranding of canned brussels sprouts. U. S. v. 109 Cases and 33 Cases of Brussels Sprouts. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12217. Sample No. 60293-F.)

LIBEL FILED: On or about April 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 31, 1944, by D. J. Pulis from San Francisco, Calif.

PRODUCT: 109 cases, each containing 24 8-ounce jars, and 33 cases, each containing 24 16-ounce jars, of brussels sprouts at Chicago, Ill.

LABEL, IN PART: "Savoy Brussels Sprouts in Taragon Vinegar. Net Weight 8 Oz. Avoir. [or "1 Pound"] Spice Added Steele-Wedeles Company Distributors Chicago, Ill."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Weight 8 Oz. Avoir." and "Net Weight 1 Pound," were false and misleading as applied to an article which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 6, 1944. Jacob E. Mathis, Inc., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under supervision of the Food and Drug Administration.

6134. Misbranding of canned corn. U. S. v. 242 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12437. Sample Nos. 70783-F, 71167-F.)

LIBEL FILED: June 7, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about November 23, 1943, by the Silverton Canning Co., from Silverton, Oreg.

PRODUCT: 242 cases, each containing 24 cans, of corn at Bellingham, Wash.

LABEL, IN PART: (Cans) "Kulshan Brand Cream Style Fancy Golden Yellow Corn Distributed by Lee Grocery Co. Bellingham & Everett, Washington U. S. Grade A Fancy."

VIOLATION CHARGED: Misbranding, Section 403 (a), in that the statements, "Fancy Golden Yellow Corn * * * U. S. Grade A Fancy," and "Fancy Corn," were false and misleading as applied to a product that failed to meet the United States Department of Agriculture requirements for Grade A or Fancy

cream-style canned corn; and in that the designation "U. S. Grade A Fancy" was misleading since it implied that the product was packed under continuous U. S. inspection whereas it was not.

DISPOSITION: August 9, 1944. The Lee Grocery Co., having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 6135-6148 report actions involving a smooth-skin variety of peas, a food for which a standard of quality has been prescribed by regulations, and the products fell below that standard since the amount of alcohol-insoluble solids of the peas in the containers was more than 23.5 percent; and the labels failed to bear, as the regulations specify, a statement that the peas fell below the standard. In addition, **Nos. 6135-6139** report actions involving peas that were misbranded because of failure to bear other mandatory labeling.

6135. Misbranding of canned peas. U. S. v. 220 Cases of Peas (and 1 other seizure action involving canned peas). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 12459, 12506. Sample Nos. 46300-F, 62453-F.)

LIBEL FILED: June 5, 1944, Eastern District of Missouri; June 2, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about August 14 to November 8, 1943, by the Columbia Canning Co., Cambria, Wis.

PRODUCT: 220 cases of canned peas at Chicago, Ill., and 1,645 cases at St. Louis, Mo., each case containing 24 cans.

LABEL, IN PART: (St. Louis lot, cases stencilled) "Unlabeled E. J. Peas," and (Chicago lot, cans) "Early Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was below standard. In addition, the product at St. Louis, Mo., was misbranded, Section 403 (e) (1), in that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (g) (2), it purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: July 6, 1944, the Columbia Canning Co. having appeared as claimant for the lot at Chicago and the General Grocer Co., St. Louis, Mo., having appeared as claimant for the lot at that city, and the claimants having admitted the facts set forth in the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6136. Misbranding of canned peas. U. S. v. 41 Cases of Canned Peas. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 12190. Sample No. 57975-F.)

LIBEL FILED: April 18, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 9, 1943, by the Fremont Canning Co., from Fremont, Nebr., to the Colorado Brokerage Co., Denver, Colo.; re-shipped to Sterling, Colo. Invoiced as a substandard grade.

PRODUCT: 41 cases of canned peas at Sterling, Colo.

VIOLATIONS CHARGED: Misbranded (when introduced into interstate commerce), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the product was below standard.

DISPOSITION: June 14, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered sold to the highest bidder, the purchaser to relabel product under the supervision of the Food and Drug Administration.

6137. Misbranding of canned peas. U. S. v. 185 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12305. Sample Nos. 72732-F, 72733-F.)

LIBEL FILED: May 3, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 15, 1943, by the Waldo Canning Co., from Waldo, Wis.