VEGETABLES AND VEGETABLE PRODUCTS

30555. Dried black-eyed peas, garbanzos (chickpeas), and pigeon peas. (F.D.C. No. 50375. S. Nos. 4-609/11 A.)

INDICTMENT RETURNED: 9-23-64, against James P. Spoto, t/a Northwestern Canning & Packing Co., Seffner, Fla., and Americus P. Spoto, plant manager.

ALLEGED VIOLATION: Between 1-10-64 and 3-3-64, while quantities of black-eyed peas, garbanzos (chickpeas), and pigeon peas were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine, and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-6-65. James P. Spoto—$900 fine, of which $600 was suspended, and probation for 1 year; Americus P. Spoto—$600 fine, of which $400 was suspended, and probation for 1 year.

30556. Canned green beans. (F.D.C. No. 51848. S. No. 63-523 B.)

QUANTITY: 572 cases, each containing 24 1-lb. 12-oz cans, at Salem, Va.

SHIPPED: 8-13-65, from Whitesburg, Tenn., by White & Sloat Canning Co.

LABEL IN PART: (Can) "White's Stringless Cut Green Beans * * * Packed by White and Sloat Canning Co. Whitesburg, Tenn."

LIBELED: 10-28-65, W. Dist. Va.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned cut green beans prescribed by regulations, since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 12-1-65. Consent—claimed by White & Sloat Canning Co., for relabeling.

30557. Frozen green beans. (F.D.C. No. 51880. S. No. 10-116 B, 10-294 B.)

QUANTITY: 690 cases, each containing 24 pkgs., at Butte, Mont.

SHIPPED: 3-2-65, from Tacoma, Wash., by Kelley Farquhar & Co.

LABEL IN PART: (Pkg.) "7 Valleys Dist. by 7 Valley Foods, Seattle, Washington, Quick Frozen Short Cut Green Beans Net Weight 9 Ounces." (The "9" was overstamped "8" on some packages and was illegible on some packages.)

RESULTS OF INVESTIGATION: Examination showed that the article consisted of flat beans of varying sizes and round cut green beans ranging in size from ¼ inch to approximately 2 inches. Stems were also present.

LIBELED: 11-12-65, Dist. Mont.

CHARGE: 403(a)—when shipped, the name "Short Cut Green Beans" and label vignette depicting round green beans of uniform size without stem ends were false and misleading as applied to a product consisting of flat green beans of varying lengths and round cut green beans, some with stems attached, ranging in size from ¼ inch to approximately 2 inches; and 403(e)(2)—the article failed to bear a label containing an accurate statement of quantity of the contents, since the label statement (on some packages) "Net Weight 9 Ounces" was inaccurate.

DISPOSITION: 12-14-65. Default—delivered to public institutions.