29564. Canned mushrooms. (F.D.C. No. 48975. S. Nos. 71-189/92 V, 78-150/52 V.)

QUANTITY: 92 cases, each containing 12 1-lb. 9-oz. cans, at Detroit, Mich.

SHIPPED: Between 1-17-63 and 3-20-63, from Nottingham, Pa., by Nottingham Canning Co., Inc.

LABEL IN PART: (Can) "Nottingham Colossal Crown [or "Button" or "Special Crown" or "Sliced"] Mushrooms in Buttered Sauce * * * Packed by Nottingham Canning Co., Inc., Nottingham, Pa."

RESULTS OF INVESTIGATION: Examination showed that the article contained little or no butter and that the drained weight of the mushrooms was less than 16 ounces.

LIBELED: 5-24-63, E. Dist. Mich.

CHARGE: 402(b)(1)—when shipped, the valuable constituent of the article, butter, had been in whole or in part omitted or abstracted therefrom; 402(b)(2)—vegetable fat had been substituted in whole or in part for butter; 403(a)—the name of the article "Mushrooms in Buttered Sauce" was false and misleading as applied to a product containing little or no butter; 403(g)(1)—the article failed to conform to the definition and standard of identity for canned mushrooms since it contained vegetable fat which is not permitted as an ingredient of canned mushrooms in such definition and standard; and 403(h)(2)—the article fell below the standard of fill of container for canned mushrooms since the article was in containers designated in the trade as 307 x 510, having the overall dimensions of the sealed can as 3 7/16 inches in diameter and 5 5/8 inches in height, and the weight of drained mushrooms therein was less than 16 ounces avoirdupois.

DISPOSITION: 5-2-64. Consent—claimed by Nottingham Canning Co., Inc., and relabeled.

29565. Canned okra and tomatoes. (F.D.C. No. 48455. S. No. 36-818 V.)

QUANTITY: 366 cases, each containing 24 15½-oz. cans, at Albany, Ga.

SHIPPED: 10-1-62, from Cullman, Ala., by Southern Shell Fish Co., Inc.

LABEL IN PART: (Can) "Blue Plate Okra and Tomatoes * * * Distributed By Southern Shell Fish Co., Inc., New Orleans, La."

LIBELED: 11-21-62, M. Dist. Ga.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 2-20-63. Default—destruction.

29566. Celery. (F.D.C. No. 43731. S. No. 22-001 R.)

QUANTITY: 486 crates, each containing 2 doz. stalks, at Detroit, Mich.

SHIPPED: 4-27-60, from Santa Ana, Calif., by Sakioka Farms.

LABEL IN PART: (Crate) "Blue Mink Brand Select Vegetables Produce of U.S.A. Growers, Packers and Shippers, Sakioka Farms Main Office Culver City California."

LIBELED: 6-7-60, E. Dist. Mich.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulation.

DISPOSITION: 7-7-60. Default—destruction.