

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

CANNED VEGETABLES

7145. Adulteration of canned mustard greens. U. S. v. 276 Cases of Mustard Greens. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 12978. Sample No. 61687-F.)

LIBEL FILED: July 21, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 15, 1944, by George F. Porbeck Co., Little Rock, Ark.

PRODUCT: 276 cases, each containing 24 1-pound 2-ounce cans, of mustard greens at Monroe, La.

Examination showed that the product contained an average of 7 pieces of grass per can, the blades averaging 5 inches in length.

LABEL, IN PART: "Mayfair Mustard Greens * * * Distributed By Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass had been substituted in part for mustard greens; and, Section 402 (b) (4), grass had been mixed and packed therewith so as to reduce the article's quality.

Misbranding, Section 403 (a), the name "Mustard Greens," which appeared on the labeling, was false and misleading as applied to the article.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

7146. Adulteration of canned turnip greens. U. S. v. 57 Cases of Canned Turnip Greens. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12770. Sample No. 72769-F.)

LIBEL FILED: June 24, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 9, 1943, by Wilson Canning Co., from Barton, Ark.

PRODUCT: 57 cases, each containing 6 No. 10 cans, of turnip greens at Memphis Tenn.

LABEL, IN PART: (Cans) "Wilson Turnip Greens Contents 6 Lbs. 4 Ozs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 8, 1944. The Wilson Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

7147. Misbranding of canned peas. U. S. v. 27 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 14126. Sample No. 75941-F.)

LIBEL FILED: October 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21 and September 13, 1944, by Harold H. Clapp, Inc., from Rochester, N. Y.

PRODUCT: 27 cases, each containing 72 cans, of peas, at Pittsburgh, Pa.

LABEL, IN PART: "Clapp's Strained Baby Food Strained Peas Net Weight 5 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 5 Oz." was inaccurate.

DISPOSITION: December 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7148. Misbranding of canned peas. U. S. v. 774 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13036. Sample No. 69694-F.)

LIBEL FILED: On or about August 1, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 14, 1943, by Fredonia Canned Foods, Inc., Fredonia, Wis.

PRODUCT: 774 cases, each containing 24 1-pound, 4-ounce cans, of peas at Lubbock, Tex.

LABEL, IN PART: (Cans) "Waubeka Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend, as required by the regulations.

DISPOSITION: September 27, 1944. Fredonia Canned Foods, Inc., 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.

7149. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12298. Sample No. 62455-F.)

LABEL FILED: May 1, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 4, 1944, by Lucido Brothers Grocery Co., from St. Louis, Mo.

PRODUCT: 21 cases, each containing 24 1-pound, 4-ounce cans, of peas at Granite City, Ill.

LABEL, IN PART: (Cans) "Sav-on Brand * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: July 1, 1944. No claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution.

7150. Misbranding of canned peas. U. S. v. 468 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12441. Sample No. 3989-F.)

LABEL FILED: On or about June 2, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 19, 1943, by Plymouth Canning Co., from Plymouth, Ind.

PRODUCT: 468 cases, each containing 24 1-pound, 4-ounce cans, of peas at Kansas City, Mo.

LABEL, IN PART: (Cans) "Plymouth Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: August 4, 1944. Plymouth Canning Co., claimant, having admitted the misbranding charged, 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.

7151. Adulteration and misbranding of sauerkraut. U. S. v. 24 Cases of Sauerkraut (and 2 other seizure actions against sauerkraut.) Decrees of condemnation. One lot ordered released under bond. One lot ordered delivered to a Federal institution, and remaining lot ordered destroyed. (F. D. C. Nos. 12757, 12854, 13684. Sample Nos. 71276-F, 71305-F, 75055-F.)

LABELS FILED: From on or about June 28 to September 14, 1944, District of Oregon and Western District of Washington.

ALLEGED SHIPMENT: From on or about May 12 to June 12, 1944, by Goldsmith Pickle Co., from Galewood, Ill.

PRODUCT: 1,300 cases at Portland, Oreg., and 152 cases at Tacoma, Wash., each case containing 12 quart jars of sauerkraut.

The product contained excessive brine, the jars in the 3 shipments averaging 18.9, 21.2, and 20.2 ounces, respectively, of drained kraut, whereas quart jars should contain at least 25 ounces of drained kraut. In the Portland lots the jars appeared to hold more kraut than was actually present because of the tendency of the kraut to disperse in the packing medium.

LABEL, IN PART: (Jars) "Champion Brand," or "Goldsmith Brand."

VIOLATIONS CHARGED: Adulteration (all lots), Section 402 (b) (2), brine had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), (Portland lots) the containers were so filled as to be misleading.