

PRODUCT: 60 100-pound sacks, 300 86-pound sacks, and 475 65-pound sacks of apple pomace at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: June 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. By amended decree of June 8, 1945, the product was ordered delivered to a local hospital, for use as animal feed or fertilizer.

VEGETABLES

8430. Misbranding of canned asparagus cuts and canned asparagus spears. U. S. v. 198 Cases and 99 Cases of Asparagus Cuts and 56 Cases of Asparagus Spears. Portions of products ordered released under bond; remainder ordered forfeited and delivered to charitable institutions. (F. D. C. Nos. 13763, 13939, 15014. Sample Nos. 73431-F, 73450-F, 74549-F, 74550-F, 27201-H, 27202-H.)

LIBELS FILED: Between October 2, 1944, and January 24, 1945, Eastern District of Washington, Southern District of Indiana, and District of South Dakota.

ALLEGED SHIPMENT: Between the approximate dates of September 18, 1943, and September 15, 1944, by the Hunt Brothers Packing Co., Hayward, Calif.

PRODUCT: 198 cases at Indianapolis, Ind., and 99 cases at Sioux Falls, S. Dak., each case containing 24 1-pound, 3-ounce cans of asparagus cuts; and 56 cases, each containing 24 1-pound, 3-ounce cans, of asparagus spears at Spokane, Wash. Examination showed that the asparagus cuts were not fancy because they were, in large part, tough, with pronounced fibrous development; and that the spears were not fancy quality because they contained excessive fibrous material.

LABEL, IN PART: "Val Vita Brand Fancy California Asparagus Cuts Tips Removed," or "Hunts Supreme Quality Fancy Small [or "Blended"] California Green Tipped and White Asparagus Spears."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statements, "Fancy California Asparagus Cuts Tips Removed," "Fancy Small California Green Tipped and White Asparagus Spears," and "Blended California Green Tipped and White Asparagus Spears," were false and misleading as applied to the articles.

DISPOSITION: The Hunt Brothers Packing Co. appeared as claimant for the Spokane and Sioux Falls lots. No claim was presented for the Indianapolis lot. On November 6 and 28, 1944, and March 22, 1945, judgments were entered in the respective cases as follows: The Spokane lot was ordered released under bond for relabeling; the Sioux Falls lot was condemned, and likewise ordered released under bond; and the Indianapolis lot was ordered forfeited and destroyed. On November 30, 1944, an amended decree was entered ordering the Indianapolis lot delivered to charitable institutions.

8431. Adulteration of cranberry beans. U. S. v. 25 Bags of Cranberry Beans. Default decree of condemnation and destruction. (F. D. C. No. 15092. Sample No. 501-H.)

LIBEL FILED: January 25, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 21, 1943, from Grand Rapids, Mich.

PRODUCT: 25 100-pound bags of cranberry beans at Atlanta, Ga., in the possession of the Atlantic Company Coldstorage. This product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent urine.

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

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8432. Misbranding of canned green beans. U. S. v. 1,988 Cases of Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14961. Sample No. 83374-F.)

LIBEL FILED: January 9, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about August 12, 1944, by the California Packing Corporation, Salem, Oreg.

PRODUCT: 1,988 cases, each containing 24 cans, of green beans at Toppenish, Wash.

This article was a by-product which consisted mainly of end cuts and tips of string beans.

LABEL, IN PART: "Tip Top Salad Cut Green Beans 1 lb. 3 oz. [vignette of a dish containing middle cuts of green beans]."

VIOLATION CHARGED: Misbranding, Section 403 (a), a vignette of a dish containing middle cuts of green beans, and the term "Salad Cut Green Beans," were misleading as applied to a by-product which consisted mainly of end cuts and tips of string beans.

DISPOSITION: February 5, 1945. The California Packing Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of an officer designated by the Federal Security Administrator.

8433. Misbranding of canned green beans. U. S. v. 237 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14992. Sample No. 70087-F.)

LABEL FILED: January 13, 1945, District of Utah.

ALLEGED SHIPMENT: On or about October 23, 1944, by the Silverton Canning Co., from Silverton, Oreg.

PRODUCT: 237 cases, each containing 24 1-pound, 3 ounce cans, of green beans at Salt Lake City, Utah.

LABEL, IN PART: "Silco Brand Cut Stringless Green Beans [vignette of a dish containing middle cuts of green beans]."

VIOLATION CHARGED: Misbranding, Section 403 (a), the article was a by-product which consisted mainly of end cuts and tips of string beans.

DISPOSITION: April 17, 1945. The Utah Wholesale Grocery Co., Salt Lake City, Utah, claimant, having consented to the entry of a decree, 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.

8434. Adulteration of navy beans. U. S. v. 800 Bags of Navy Beans. Consent decree of condemnation. Product released under bond. (F. D. C. No. 14548. Sample No. 92362-F.)

LABEL FILED: November 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 21, 1944, by Edgars Sugar House, from Croswell, Mich.

PRODUCT: 800 100-pound bags of navy beans at Batavia, N. Y.

LABEL, IN PART: "Michigan Navy Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans.

DISPOSITION: June 25, 1945. Cooperative G. L. F. Farm Products, Inc., Batavia, N. Y., claimant, having consented to the entry of a decree, 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.

8435. Adulteration of pinto beans. U. S. v. 75 Bags of Pinto Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13480. Sample No. 58993-F.)

LABEL FILED: On or about September 9, 1944, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 26, 1943, from Limon, Colo.

PRODUCT: 75 100-pound bags of pinto beans at Danville, Va., in the possession of James I. Pritchett and Son. The article was stored under insanitary conditions after shipment. The bags had been gnawed by rodents, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had