

color and raspberry seeds; and, Section 402 (b) (4), artificial color and raspberry seeds had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statement "Raspberry-Peach Filling" was false and misleading.

DISPOSITION: August 12, 1943. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered sold for use in making pies. It was to be labeled "imitation raspberry filling."

8930. Adulteration of black raspberry puree. U. S. v. 19 Barrels of Black Raspberry Puree. Default decree of condemnation and destruction. (F. D. C. No. 14693. Sample No. 96398-F.)

LABEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 13, 1944, by the Producers Service Corporation, from Benton Harbor, Mich.

PRODUCT: 19 400-pound barrels of black raspberry puree at Chicago, Ill. Examination disclosed that the product contained moldy berries.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8931. Misbranding of pear vinegar. U. S. v. 15 Cases of Pear Vinegar. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15723. Sample No. 30811-H.)

LABEL FILED: March 20, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 17, 1945, by the Perrymead Products Co., Los Angeles, Calif.

PRODUCT: 15 cases, each containing 12 bottles, of pear vinegar at New York, N. Y. Examination showed that the article was short-volume.

LABEL, IN PART: (Bottle label) "Perrymead Pear Vinegar [blown in bottle] $\frac{1}{2}$ Quart."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8932. Adulteration of wine vinegar. U. S. v. 3 Barrels of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 15735. Sample No. 5947-H.)

LABEL FILED: March 22, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 7, 1944, by E. Barbero, Union City, N. J.

PRODUCT: 3 49-gallon barrels of wine vinegar at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and distilled vinegar had been substituted in whole or in part for pure wine vinegar, which the product was represented to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color; and, Section 402 (b) (4), distilled vinegar and artificial color had been mixed and packed with the product so as to reduce its quality or strength and make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name "Pure Wine Vinegar" was false and misleading as applied to the product.

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLES

8933. Adulteration of beans. U. S. v. 163 Bags of Beans. Default decree of condemnation and destruction. (F. D. C. No. 15673. Sample No. 9323-H.)

LABEL FILED: March 26, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about February 2, 1945, by the Michigan Elevator Exchange, from Port Huron, Mich.

PRODUCT: 163 100-pound bags of beans at Perry, N. Y.

LABEL, IN PART: (Portion) "Husky Brand [or "Great Northern Beans"] E. H. Walrath & Sons, Bridger and Edgar, Montana"; (remainder) "Great Northern Beans Packed by Occident Elevator Co., Billings, Montana [or "Packed by Kinney Wholesale Co., Twin Falls, Idaho"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans.

DISPOSITION: July 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8934. Adulteration of blackeye beans. U. S. v. 428 Bags of California Black Eye Beans. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15635. Sample No. 23720-H.)

LIBEL FILED: March 16, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about January 15 and 19, 1945, by the Ady and Crowe Mercantile Co., from Denver, Colo.

PRODUCT: 428 100-pound bags of blackeye beans at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans.

DISPOSITION: April 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a charitable institution, for use as fertilizer.

8935. Adulteration of lima beans. U. S. v. 68 Bags of Baby Limas. Default decree of condemnation and destruction. (F. D. C. No. 15695. Sample No. 24047-H.)

LIBEL FILED: March 28, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 10, 1943, from Oxford, Calif.

PRODUCT: 68 100-pound bags of lima beans at Church Point, La., in the possession of the Church Point Wholesale Grocery Co. This product had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the product contained rodent excreta and rodent hairs.

NATURE OF CHARGE: 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 may have become contaminated with filth.

DISPOSITION: May 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8936. Misbranding of canned wax beans. U. S. v. 140 Cases of Canned Wax Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14867. Sample Nos. 88555-F, 88639-F.)

LIBEL FILED: December 26, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 4, 1944, by the H. L. Forhan Co., from Pittsfield, Maine.

PRODUCT: 140 cases, each containing 24 1-pound, 3-ounce cans, of wax beans at Worcester, Mass.

LABEL, IN PART: "New England Stores Nessco 'Our Supreme Quality' Fancy Cut Golden Stringless Wax Beans * * * New England Stores Service Corporation Distributors Boston Springfield Worcester, Mass. Headquarters."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Fancy Cut Golden Stringless Wax Beans," was false and misleading as applied to an article which was not "Fancy" because of its overmaturity.

DISPOSITION: February 1, 1945. The H. L. Forhan Co., Portland, Maine, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.