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.