

DISPOSITION: September 20, 1945. No claimant having appeared, judgments of forfeiture were entered and the product was ordered destroyed or delivered to a charitable institution, for use as animal feed.

9117. Adulteration and misbranding of canned mushrooms. U. S. v. 1,700 Cases, and 298 Cases of Canned Mushrooms. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16301, 16302. Sample Nos. 29123-H, 29124-H.)

LIBELS FILED: May 29 and 30, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about April 7, 1945, by J. B. Swayne and Son, from Kennett Square, Pa.

PRODUCT: 1,500 cases, each containing 24 8-ounce cans, and 498 cases, each containing 24 1-pound cans, of mushrooms at San Francisco, Calif. The product was short in drained weight, and it was packed in excessive brine. It was not fancy, as labeled, because of defects and excessive variation in size and, in addition, the 8-ounce size contained excessive stem material.

LABEL, IN PART: "Mushrooms Fancy Buttons Quaker State Brand Drained Net Weight 8 ozs. [or "1 Lb."]. A vignette depicted fancy button mushrooms.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine and button mushrooms that were not fancy, and a portion of which contained stem material, had been substituted in whole or in part for "Mushrooms Fancy Buttons," which the article was represented to be.

Misbranding, Section 403 (a), the label statement, "Mushrooms Fancy Buttons," and the vignette depicting fancy button mushrooms, were false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statements, "Drained Net Weight 8 Ozs." and "Drained Net Weight 1 Lb.," were inaccurate.

DISPOSITION: June 5 and August 1, 1945. The United Food Supply Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law. It was relabeled.

9118. Adulteration of dried mushrooms. U. S. v. 6 Cartons and 2 Bags of Dried Mushrooms. Tried to the court. Decree of condemnation and destruction. (F. D. C. Nos. 14545, 14546. Sample Nos. 86565-F, 86568-F.)

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

ALLEGED SHIPMENT: The 6 cartons were shipped on or about October 16, 1944, by Jim Brecka, from Rice Lake, Wis., and the 2 bags were shipped on or about October 30, 1944, by John F. Kalina, from Lonsdale, Minn.

PRODUCT: 6 26-pound cartons and 2 34-pound bags of dried mushrooms at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and maggots.

DISPOSITION: The Globus Food Products Co., claimant, having denied that the product was adulterated, the case came on for trial before the court on June 15, 1945. After hearing the evidence and arguments of counsel, the court denied claimant's motion to dismiss the libel and ordered that briefs be filed. After consideration of the briefs submitted by the parties, the court, on October 8, 1945, ordered that a decree of condemnation be entered, providing for the destruction of the product.

9119. Adulteration of dried mushrooms. U. S. v. 21 Cartons of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 15971. Sample No. 29532-H.)

LIBEL FILED: April 28, 1945, District of Nevada.

ALLEGED SHIPMENT: On or about January 30 and March 20, 1945, by the Gann Products Co., from Oakland, Calif.

PRODUCT: 21 cartons, each containing 2 cards of 12 bags each, of dried mushrooms at Reno, Nev.