VEGETABLES

18239. Misbranding of canned green beans. U. S. v. 420 Cases * * *. (F. D. C. No. 32497. Sample No. 38695–L.)

LIBEL FILED: February 5, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about August 9 and November 13, 1951, by Jenkins Bros., Inc., from Thurmont, Md.

PRODUCT: 420 cases, each containing 24 1-pound cans, of green beans at Washington, D. C.

LABEL, IN PART: (Can) "Pride of the Valley Brand * * * Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard of quality for canned cut green beans since the deseeded pods contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: April 2, 1952. Jenkins Bros., Inc., Frederick, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18240. Misbranding of potatoes. U. S. v. 30 Bags * * *. (F. D. C. No. 32355. Sample No. 151–L.)

LIBEL FILED: January 11, 1952, District of Kansas.

ALLEGED SHIPMENT: On or about December 13, 1951, by Gerye & Co., from Scottsbluff, Nebr.

PRODUCT: 30 100-pound bags of potatoes at Topeka, Kans.

LABEL, IN PART: "Pixy Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (k), the product contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: April 4, 1952. It appearing to the court that the product was highly perishable and in a decomposed condition when found in the possession of the consignee and no claim having been made by the shipper or consignee, and the shipper consenting that the product should be destroyed and it appearing that the product already had been destroyed as being without value, the court ordered that condemnation and forfeiture of the product be decreed without issuance of a special execution.

TOMATOES AND TOMATO PRODUCTS

18241. Adulteration of canned tomatoes. U. S. v. 55 Cases * * *. (F. D. C. No. 32426. Sample No. 26099–L.)

LIBEL FILED: January 11, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 28, 1951, from Salem, Md.

PRODUCT: 55 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 7, 1952. Default decree of condemnation and destruction.