VEGETABLES AND VEGETABLE PRODUCTS*

11230. Adulteration of canned beans and misbranding of canned peas. U. S. v. Tolerton & Warfield Co. (Norfolk Packing Co.) and Elmer H. Bernhardt. Pleas of nolo contendere. Fines, $60 against individual defendant and $210 and costs against corporation. (F. D. C. No. 20210. Sample Nos. 21193–H, 25886–H, 26794–H, 26798–H, 30432–H, 30439–H.)

INFORMATION FILED: November 12, 1946, District of Nebraska, against the Tolerton & Warfield Co., a corporation, trading as the Norfolk Packing Co., Plattsmouth, Nebr., and Elmer H. Bernhardt, plant manager.

ALLEGED SHIPMENT: Between the approximate dates of August 4 and October 23, 1945, from the State of Nebraska into the States of Oklahoma and Colorado.

PRODUCT: In addition to containing alcohol-insoluble solids in excess of the amount permitted by the standard, a portion of the canned peas was short weight. Examination of the canned beans showed the presence of small stones and, in one shipment, worms.

LABEL, IN PART: "Honesty [or "Harvest Gem"] Early June Peas Contents 1 Lb. 4 Oz.," and "Harvest Treasure * * * Beans in Tomato Sauce Vegetarian Style."

NATURE OF CHARGE: Canned beans, adulteration, Section 402 (b) (2), stones had been substituted in part for beans in tomato sauce; Section 402 (b) (4), stones had been packed with the article so as to reduce its quality; and, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of worms.

Canned peas, misbranding, Section 403 (h) (1), the article was substandard; and, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents since the cans contained less than the declared weight.

DISPOSITION: December 20, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $10 on each count against the individual, a total fine of $60, and a fine of $35 on each count against the corporation, a total fine of $210 and costs.

11231. Adulteration of canned pork and beans. U. S. v. 8 Cases, etc. (F. D. C. No. 19142. Sample Nos. 38652–H to 38654–H, incl.)

LIBEL FILED: February 14, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about December 11 and 13, 1945, by the Illinois Canning Co., from Hoopeston, Ill.

PRODUCT: 103 cases, each containing 24 1-pound, 3-ounce cans of pork and beans at Milwaukee, Wis. Examination showed that the product was sour.

LABEL, IN PART: "Roundys White Label [or "Joan of Arc"] Pork and Beans with Tomato Sauce."

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

DISPOSITION: April 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11232. Adulteration of canned beets. U. S. v. 114 Cases * * *. (F. D. C. No. 19874. Sample Nos. 15338–H, 56342–H.)

LIBEL FILED: May 24, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 5, 1946, by Safeway Stores, Inc., from Kansas City, Mo. This was a return shipment to the original shipper.

PRODUCT: 114 cases, each containing 24 1-pound, 4-ounce cans, of beets at Blue Island, Ill., in possession of Libby, McNeill & Libby. The product was undergoing bacterial decomposition.

LABEL, IN PART: "Libby's Cut Red Beets * * * Libby, McNeill & Libby."

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

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

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*See also Nos. 11156, 11159.