

**PRODUCT:** 49 cases at Paragould and 6 cases at Blytheville, Ark. Each case contained 24 1-pint jars of grape jelly.

**LABEL, IN PART:** "Ridgways Old Fashioned Grape Jelly."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water and artificial coloring and artificial flavoring had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly, since it contained added water and artificial flavoring and artificial coloring, which are not permitted as ingredients of grape jelly, in the definition and standard.

**DISPOSITION:** April 24, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**12125. Misbranding of peach preserves. U. S. v. 275 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 22345 to 22348, incl. Sample Nos. 41206-H, 41218-H to 41220-H, incl.)**

**LIBEL FILED:** December 31, 1946, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about November 20, 1946, by the Craddock Canning and Preserve Co., from Paducah, Ky.

**PRODUCT:** 654 cases, each containing 24 cans, of peach preserves at Little Rock, Ark. Examination showed that the product was short-weight.

**LABEL, IN PART:** (Cans) "Craddock Brand Pure Peach Preserves."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Contents 1 Lb. 10 Ozs." was inaccurate.

**DISPOSITION:** March 11, 1947. Jim S. Porter, trading as the Jim S. Porter Co., Little Rock, Ark., claimant, having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered. The product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

#### VEGETABLES AND VEGETABLE PRODUCTS

**12126. Misbranding of frozen asparagus and adulteration and misbranding of frozen cherries. U. S. v. Joseph Kiser Company and Joseph Kiser. Pleas of nolo contendere. Fine of \$30 against each defendant. (F. D. C. No. 22076. Sample Nos. 41663-H, 51570-H.)**

**INFORMATION FILED:** May 16, 1947, Northern District of California, against the Joseph Kiser Company, a corporation, San Jose, Calif., and Joseph Kiser, president.

**ALLEGED SHIPMENT:** On or about July 1 and 5, 1946, from the State of California into the States of Pennsylvania and Minnesota.

**LABEL, IN PART:** "Quality Carpel's Frosted Foods Quick Frosted Asparagus (Cuts and Tips) Packed for Carpel Frosted Foods, Inc., Washington, D. C.," or "Pacific Queen Frozen Dark Sweet Cherries With Added Sugar."

**NATURE OF CHARGE:** Asparagus. Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since an additional 2 ounces of asparagus could have been placed in each package.

Cherries. Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight. Misbranding, Section 403 (a), the label statement on the carton "Frozen Dark Sweet Cherries With Added Sugar" was false and misleading, since the article did not consist wholly of dark sweet cherries with added sugar but did contain added water; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each ingredient, since the presence of water was not declared.

**DISPOSITION:** July 21, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$30 against each defendant.

**12127. Adulteration of red cabbage. U. S. v. 771 Cases \* \* \*. (F. D. C. No. 22385. Sample No. 52781-H.)**

**LIBEL FILED:** January 15, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 16, 1946, by the Haxton Canning Co., Inc., from Kirkland, N. Y.

**PRODUCT:** 771 cases, each containing 24 jars, of red cabbage at Cleveland, Ohio.  
**LABEL, IN PART:** (Jar) "Blue Boy Sweet Sour Red Cabbage Net Weight 1 lb. 1 oz."

**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 insects, insect fragments, and rodent hair fragments.

**DISPOSITION:** July 1, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12128. Adulteration of shelled corn. U. S. v. 40,000 Bushels \* \* \*. (F. D. C. No. 22538. Sample No. 50173-H.)**

**LIBEL FILED:** February 17, 1947, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about December 17, 1946, by the Continental Grain Company, from St. Louis, Mo.

**PRODUCT:** 40,000 bushels of shelled corn at Galveston, Tex.

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

**DISPOSITION:** March 11, 1947. The Continental Grain Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be utilized in the manufacture of industrial alcohol, under the supervision of the Food and Drug Administration.

**12129. Adulteration of canned green beans. U. S. v. 43 Cases \* \* \*. (F. D. C. No. 22502. Sample No. 47278-H.)**

**LIBEL FILED:** February 14, 1947, District of Wyoming.

**ALLEGED SHIPMENT:** On or about March 8, 1946, by Adams Gardens Food, Brownsville, Tex.

**LABEL, IN PART:** "Miss Texas Brand Cut Green Beans \* \* \* Packed by Texas Canning Co. Falfurrias, Texas."

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

**DISPOSITION:** October 23, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**12130. Adulteration of canned green beans. U. S. v. 197 Cases \* \* \*. (F. D. C. No. 22552. Sample Nos. 38594-H, 38595-H.)**

**LIBEL FILED:** February 26, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 12, 1946, by the Alma Canning Co., from Alma, Ark.

**PRODUCT:** 197 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Chicago, Ill.

**LABEL, IN PART:** "Alma Select Whole Green Beans Blue Lake," or "Alma Brand - Extra Standard Whole Green Beans."

**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 worms, insect excreta, and insect-damaged beans.

**DISPOSITION:** May 1, 1947. The Alma Canning Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

**12131. Misbranding of canned mushrooms. U. S. v. 65 Cases \* \* \*. (F. D. C. No. 22599. Sample No. 62487-H.)**

**LIBEL FILED:** March 10, 1947, District of Nevada.

**ALLEGED SHIPMENT:** On or about December 28, 1945, and January 24, 1946, by the All States Food Brokerage Company, through the Distributor's Warehouse Co., from San Francisco, Calif.

**PRODUCT:** 65 cases, each containing 24 8-ounce cans, of mushrooms at Reno, Nev.