

PRODUCT: 31 cases, each containing 36 cartons, of frozen strawberries at Warren, Pa.

LABEL, IN PART: "Frozen Fresh Whole Strawberries Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the containers were about $\frac{3}{4}$ full and that they averaged 7.9 percent short weight.)

DISPOSITION: May 9, 1949. Default decree of condemnation and destruction.

VEGETABLES

14935. Adulteration of canned corn. U. S. v. 3,933 Cases * * *. (F. D. C. No. 26218. Sample No. 43155-K.)

INFORMATION FILED: December 10, 1948, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 10, 1948, by Libby, McNeill & Libby, from Sac City, Iowa.

PRODUCT: 3,933 cases, each containing 24 unlabeled cans, of corn at Hammond, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: On May 6, 1949, the sole intervener, Libby, McNeill & Libby, having withdrawn its appearance, claim, and answer, judgment of forfeiture was entered. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14936. Adulteration of canned corn. U. S. v. 110 Cases, etc. (F. D. C. No. 26881. Sample Nos. 40706-K, 40954-K.)

LIBEL FILED: March 22, 1949, Western District of Washington; amended libel filed on or about March 25, 1949.

ALLEGED SHIPMENT: On or about December 4, 1948, and January 21, 1949, by Libby, McNeill & Libby, from Evansville, Wis.

PRODUCT: 159 cases, each containing 48 11-ounce cans, of corn at Seattle, Wash.

LABEL, IN PART: "Libby's Golden Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm fragments.

DISPOSITION: May 26, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14937. Misbranding of potatoes. U. S. v. Young & Gussman Co., Inc., and Leo Young. Pleas of guilty. Each defendant fined \$200 (F. D. C. No. 25610. Sample No. 5437-K.)

INFORMATION FILED: February 23, 1949, District of Massachusetts, against Young & Gussman Co., Inc., Boston, Mass., and Leo Young, president.

INTERSTATE SHIPMENT: On or about October 21, 1948, from Woodstock, New Brunswick, Canada, to Boston, Mass., of a number of large bags of potatoes.

LABEL, WHEN SHIPPED: (Tags) "Canadian Certified Seed Potatoes."

ALLEGED VIOLATION: On or about October 28, 1948, while the potatoes were being held for sale after shipment in interstate commerce, the defendants caused the potatoes to be removed from the bags in which they were shipped in interstate commerce and to be repacked into small bags, labeled, in part, "Maine Potatoes * * * U. S. Grade No. 1 Arrostock Selected * * * Northeast Potato Co. Houlton, Maine," which act resulted in the product being misbranded under Section 403 (a), in that the statements in the label which represented that the potatoes had been grown in the State of Maine were false and misleading since the potatoes had been grown in the Dominion of Canada.

DISPOSITION: June 7, 1949. Pleas of guilty having been entered, each defendant was fined \$200.

14938. Misbranding of canned spinach. U. S. v. 35 Cases * * *. (F. D. C. No. 26866. Sample No. 27972-K.)

LIBEL FILED: March 16, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about December 13, 1948, by the River Valley Packing Co., from Atkins, Ark.

PRODUCT: 35 cases, each containing 6 cans, of spinach at Memphis, Tenn.

LABEL, IN PART: "Valley Brand Spinach Packed by Valley Packing Co., Lincoln, Arkansas Contents 6 Lbs. 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short-weight.)

DISPOSITION: April 25, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

TOMATOES AND TOMATO PRODUCTS

14939. Adulteration of canned tomatoes. U. S. v. 1,792 Cases * * *. (F. D. C. No. 26245. Sample No. 25450-K.)

LIBEL FILED: December 30, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about November 4, 1948, by the Orestes Canning Co., Inc., from Elwood, Ind.

PRODUCT: 1,792 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Paul, Minn.

LABEL, IN PART: (Cans) "Good Folks Brand Tomatoes."

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 fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 30, 1949. Default decree providing for destruction of the product unless properly denatured and disposed of as animal feed.

14940. Adulteration of canned tomatoes. U. S. v. 224 Cases * * *. (F. D. C. No. 26919. Sample No. 41835-K.)

LIBEL FILED: April 7, 1949, Northern District of Illinois.