

15641. Adulteration and misbranding of canned corn. U. S. v. 38 Cases, etc.
(F. D. C. Nos. 27991 to 27993, incl. Sample Nos. 60746-K to 60748-K,
incl.)

LIBEL FILED: October 4, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 21, July 15, and August 8, 1949, by the
Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

PRODUCT: 318 cases, each containing 6 No. 10 cans, of corn at Memphis, Tenn.

LABEL, IN PART: (Can) "Red Rose Cream Style White [or "Golden"] Sweet
Corn." All of the cans were approximately the same size. A portion (38
cases) of the cans were labeled "1 Lb. 4 Oz." or "1 Lb.," and the remainder
were labeled "Net Weight 6 Lbs. 10 Ozs."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the defini-
tion and standard of identity for canned cream style corn since it had not been
so processed by heat as to prevent spoilage.

Further misbranding (38 cases only), Section 403 (e) (2), the product
failed to bear a label containing an accurate statement of the quantity of
the contents. (The cans bore the label statements "Net Weight 1 Lb. 4 Ozs."
or "Net Weight 1 Lb.," but contained approximately 7 pounds.)

DISPOSITION: November 10, 1949. Default decree of condemnation and
destruction.

NUTS

15642. Adulteration of brazil nuts. U. S. v. 83 Bags, etc. (F. D. C. No. 28249.
Sample Nos. 13981-K, 13982 -K.)

LIBEL FILED: October 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1949, by Wm. A. Higgins &
Co., from New York, N. Y.

PRODUCT: 83 100-pound bags, and 130 cases, each case containing 30 1-pound
bags, of brazil nuts at Philadelphia, Pa. The 130 cases had been repackaged
from 100-pound bags.

LABEL, IN PART: (Bag) "Sun-Glo Extra Large Polished New Crop Extra
Quality Selected Brazil Nuts" or "A & P * * * Food Stores Brazils
One Pound Net."

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

DISPOSITION: November 17, 1949. Wm. A. Higgins & Co., 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 segregation
and destruction of the unfit portion, under the supervision of the Federal
Security Agency. A total of 898 pounds of the product was segregated and
destroyed as unfit.

15643. Adulteration of cashew nuts. U. S. v. 92 Cases * * * (F. D. C. No.
28071. Sample No. 32538-K.)

LIBEL FILED: October 20, 1949, Northern District of California.