

## VEGETABLES AND VEGETABLE PRODUCTS

16179. Adulteration of celery. U. S. v. 401 Crates \* \* \*. (F. D. C. No. 28843. Sample No. 55775-K.)

**LIBEL FILED:** February 7, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 25, 1950, by the Oceano Celery Distributors, from Oceano, Calif.

**PRODUCT:** 401 crates of celery at Kansas City, Mo.

**LABEL, IN PART:** "Tabb Brand Vegetables Packed and Shipped by H. E. Tabb Company Main Office Guadalupe California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** February 7, 1950. The D'Angelo Celery House, Kansas City, Mo., 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 salvaging of the fit portion, under the supervision of the Food and Drug Administration. The frost-damaged celery was segregated and destroyed, which resulted in the salvage of 268 crates which were fit for human consumption.

16180. Adulteration of celery. U. S. v. 334 Crates \* \* \*. (F. D. C. No. 28781. Sample No. 49672-K.)

**LIBEL FILED:** January 19, 1950, District of Wyoming.

**ALLEGED SHIPMENT:** On or about January 10, 1950, by George Solari, from Stockton, Calif.

**PRODUCT:** 334 crates of celery at Cheyenne, Wyo.

**LABEL, IN PART:** "Solari's California Celery."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was discolored, pithy, and soft. (The condition of the celery was the result of freezing.)

**DISPOSITION:** February 4, 1950. The shipper having abandoned the product, judgment of condemnation was entered and the court ordered that the product be released to the common carrier to be brought into compliance with the law, under the supervision of the Food and Drug Administration, and sold at the earliest date to preserve it from further spoilage. It was further ordered by the court that the proceeds be paid into the court, to be held subject to payment of court costs and the claims of all interested parties. The salvage operations resulted in the segregation of 5,200 bunches of celery hearts, and the remainder of the product was used for hog feed.

16181. Adulteration of celery. U. S. v. 200 Crates \* \* \*. (F. D. C. No. 28844. Sample No. 55773-K.)

**LIBEL FILED:** February 7, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 24, 1950, by the H. E. Tabb Co., Guadalupe, Calif.

**PRODUCT:** 200 crates of celery at Kansas City, Mo.

**LABEL, IN PART:** "Tabb Brand Vegetables."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** February 8, 1950. The D'Angelo Celery House, Kansas City, Mo., 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 salvaging of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 117 crates of celery.

**16182. Adulteration and misbranding of canned corn. U. S. v. 8 Cases \* \* \*.**  
(F. D. C. No. 28434. Sample No. 72085-K.)

**LIBEL FILED:** On or about December 15, 1949, Southern District of Indiana.

**ALLEGED SHIPMENT:** Between the approximate dates of February 10 and May 6, 1949, by Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

**PRODUCT:** 8 cases, each containing 6 6-pound, 10-ounce cans, of corn at Indianapolis, Ind.

**LABEL, IN PART:** "Red Rose Cream Style Golden Sweet Corn."

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

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

**DISPOSITION:** March 31, 1950. Default decree of forfeiture and destruction.

**16183. Misbranding of canned mushrooms. U. S. v. 271 Cases \* \* \*.**  
(F. D. C. No. 28851. Sample No. 33468-K.)

**LIBEL FILED:** February 10, 1950; amended libel filed March 17, 1950, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 5 and 18 and December 20 and 23, 1949, by Concord Foods, Inc., Concordville, Pa.

**PRODUCT:** 271 cases, each containing 24 4-ounce cans, of mushrooms at San Francisco, Calif.

**LABEL, IN PART:** "Royal Treat Fancy Button Mushrooms."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Fancy" and the vignette depicting a dish of uniform bright colored mushrooms were false and misleading as applied to a product which contained discolored mushrooms.

**DISPOSITION:** May 18, 1950. Concord Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**16184. Adulteration of pickles, relish, and prepared mustard. U. S. v. Gibson Food Co., Ezra D. Gibson, and Henry C. Gibson. Pleas of guilty. Each defendant fined \$100, plus costs. (F. D. C. No. 28218. Sample Nos. 61528-K, 61529-K, 61531-K, 61532-K.)**

**INFORMATION FILED:** February 8, 1950, Western District of Missouri, against the Gibson Food Co., a corporation, Springfield, Mo., and Ezra D. Gibson, president, and Henry C. Gibson, vice president.

**ALLEGED SHIPMENT:** On or about September 7 and October 11 and 18, 1949, from the State of Missouri into the State of Arkansas.