VEGETABLES

16732. Adulteration of canned corn. U. S. v. Dorchester Canning Co. Plea of nolo contendere. Fine, $1,000. (F. D. C. No. 29605. Sample No. 65512–K.)

INFORMATION FILED: November 8, 1950, Western Division of Wisconsin, against the Dorchester Canning Co., a corporation, Evansville, Wis.

ALLEGED SHIPMENT: On or about January 21, 1950, from the State of Wisconsin into the State of Illinois.

LABEL, IN PART: (Case) "48 No. 1 Cans Cream Style Golden Corn."

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

DISPOSITION: November 8, 1950. A plea of nolo contendere having been entered, the court imposed a fine of $1,000.

16733. Adulteration and misbranding of canned corn, green beans, and peas. U. S. v. 39 Cases, etc. (F. D. C. No. 29397. Sample Nos. 72511–K, 72514–K, 72519–K.)

LIBEL FILED: On or about July 18, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: The canned corn and canned peas were shipped on or about April 20 and May 19, 1950, respectively, by Lansing B. Warner, Inc., from Chicago, Ill., and the canned green beans were shipped on or about May 19 and 26, 1950, by Lansing B. Warner, Inc., and Ray W. Thomas, from Onarga, Ill.

PRODUCT: 39 cases of canned corn, 49 cases of canned green beans, and 324 cases of canned peas. Each case contained 24 1-pound, 4-ounce (or 3-ounce) cans.

LABEL, IN PART: (Corn and green beans, labeled after shipment) "Faultless Brand * * * Cream Style Golden Sugar Corn [or "Mayflower Cut Green Beans"] * * * Distributed By Sales Producers Associates, Inc., Chicago, Ill." The canned peas were unlabeled.

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

Misbranding, Section 403 (g) (1), the products fell below the standard of identity for canned corn, green beans, and peas since they had not been so processed by heat as to prevent spoilage; Section 403 (e) (1), the canned corn and canned green beans were further misbranded while held for sale after shipment in interstate commerce in that they failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, since the name and address appearing on the labels was not that of the actual distributor; and, Section 403 (a), the label statement "Cut Green Beans" was false and misleading since some of the cans so labeled contained peas.

DISPOSITION: August 29, 1950. Default decree of condemnation and destruction.

16734. Misbranding of canned butter beans. U. S. v. 48 Cases * * *. (F. D. C. No. 29368. Sample No. 71450–K.)

LIBEL FILED: June 23, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about January 26, 1950, by the Mountain Pass Canning Co., from Canutillo, Tex.

PRODUCT: 48 cases, each containing 24 1-pound, 3-ounce cans, of butter beans at Phoenix, Ariz.

LABEL, IN PART: "Mountain Pass * * * Butter Beans."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned butter beans since the article was prepared from dried butter beans and the standard provides that the vegetable ingredient, namely, butter beans, is the succulent vegetable.

DISPOSITION: September 21, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

TOMATOES AND TOMATO PRODUCTS*

16735. Adulteration of canned tomatoes and tomato juice. U. S. v. Charles S. Harding (Dupont Canning Co.). Plea of nolo contendere. Fine, $200. (F. D. C. No. 29191. Sample Nos. 52666–K, 52689–K, 72431–K, 72432–K.)

INFORMATION FILED: September 7, 1950, Southern District of Indiana, against Charles S. Harding, trading as the Dupont Canning Co., Dupont, Ind.

ALLEGED SHIPMENT: On or about September 30, October 5 and 10, and November 22, 1949, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: (Can) "Pendennis Tomatoes * * * Altsheler & Co. Distributors Louisville, Ky.," "Dupont Tomatoes Pride of Dupont Indiana Tomatoes * * * Packed by Dupont Canning Co., Dupont, Indiana," and "Pride of Dupont * * * Tomato Juice Packed by Dupont Canning Co., Dupont, Indiana."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned tomatoes consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots, and the tomato juice consisted in part of a filthy and decomposed substance by reason of the presence of vinegar fly eggs, maggots, and decomposed tomato material; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 10, 1950. A plea of nolo contendere having been entered, the court fined the defendant $200.

16736. Adulteration of tomato catsup. U. S. v. 36 Cases * * *. (F. D. C. No. 29682. Sample No. 74878–K.)

LIBEL FILED: August 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1949, by the Uco Foods Corp., from Newark, N. J.

PRODUCT: 36 cases, each containing 24 unlabeled bottles, of catsup at New York, N. Y.

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

DISPOSITION: August 25, 1950. Default decree of condemnation and destruction.

*See also No. 16701.