

17476. Adulteration of dried navy beans and dried lima beans. U. S. v. 81 Bags * * * (and 1 other seizure action). (F. D. C. No. 29537. Sample Nos. 54985-K to 54987-K, incl.)

LIBELS FILED: August 22, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 29 and November 28, 1949, and on various dates prior to August 15, 1950, from Fenton, Mich., and Oxnard, Calif.

PRODUCT: 81 100-pound bags of dried lima beans at New Orleans, La., and 341 100-pound bags of dried navy beans at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the lima beans consisted in whole or in part of a filthy substance by reason of the presence of insect-infested beans, and the navy beans consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy beans. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: On September 13, 1950, the World Wide Food Products Corp., New Orleans, La., claimant for the navy beans, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the navy beans be released under bond for segregation and recleaning wherever possible and conversion of the remainder into stock feed, under the supervision of the Food and Drug Administration. The salvaging operations having been unsatisfactory, the product was destroyed.

On October 4, 1950, a default decree of condemnation and destruction was entered against the lima beans.

17477. Misbranding of canned mushrooms. U. S. v. 10 Cases * * *. (F. D. C. No. 30758. Sample No. 1816-L.)

LIBEL FILED: On or about April 16, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 10, 1951, by the Delaware Mushroom Cooperative Assn., from Wilmington, Del.

PRODUCT: 10 cases, each containing 24 cans, of mushrooms at Atlanta, Ga.

LABEL, IN PART: (Can) "Delaware Kitchen Brand Fancy Buttons Mushrooms Drained Wt. 16 Oz. Net Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading as applied to an article which was not fancy because of color, size, and defects; and, Section 403 (e) (2), the product was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight.

DISPOSITION: May 8, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be delivered to a public institution for consumption and not for sale.

17478. Adulteration of canned sauerkraut. U. S. v. 349 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 30985, 31021. Sample Nos. 6902-L, 6903-L.)

LIBELS FILED: June 1 and 6, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 3 and 19, 1951, by Albion Produce Co., Inc., from Albion, N. Y.

PRODUCT: 761 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Pittsburgh, Pa.