

LABEL IN PART: (Can) "Pride of Illinois Very Young Cream Style Country Gentlemen White Sweet Corn."

LIBELED: 4-21-55, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-11-55. Consent—claimed by Illinois Canning Co. Segregation disclosed that of the 346 cases seized, none were from the codes which were sampled and found to contain worms and worm fragments. The codes seized were found to be in compliance and were released.

22511. Canned corn. (F. D. C. No. 38030. S. No. 19-339 M.)

QUANTITY: 470 cases, 24 1-lb., ½-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 2-23-55, from Gibson City, Ill., by Stokely-Van Camp, Inc.

LABEL IN PART: (Can) "Stokely's Finest * * * White Country Gentleman Cream Style Corn."

LIBELED: 4-21-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-23-55. Default—consumption by animals.

22512. Canned corn. (F. D. C. No. 37820. S. No. 19-328 M.)

QUANTITY: 199 cases, 24 cans each, at Cincinnati, Ohio.

SHIPPED: 2-1-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "White Villa Cream Style Corn * * * Contents 11 Oz. Avd."

LIBELED: 3-17-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 4-29-55. Default—consumption by animals.

22513. Canned corn. (F. D. C. No. 37812. S. No. 14-640 M.)

QUANTITY: 99 cases, 48 No. 1 cans each, at St. Louis, Mo.

SHIPPED: 1-27-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "De-Soto Brand Cream Style Country Gentleman Corn."

LIBELED: 3-11-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 4-13-55. Default—destruction.

22514. Canned corn. (F. D. C. No. 38001. S. No. 6-661 M.)

QUANTITY: 89 cases, 24 11-oz. cans each, at Dayton, Ohio.

SHIPPED: 12-17-54, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "White Villa Cream Style White Corn."

LIBELED: 3-25-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-7-55. Default—consumption by animals.

22515. Canned corn. (F. D. C. No. 37784. S. No. 6-041 M.)

QUANTITY: 31 cases, 48 8¾-oz cans each, at Nashville, Tenn.

SHIPPED: 1-7-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "Colonial Cream Style Country Gentleman White Sweet Corn."

LIBELED: 2-8-55, M. Dist. Tenn.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-19-55. Default—consumption by animals.

22516. Canned hominy. (F. D. C. No. 38055. S. No. 13-290 M.)

QUANTITY: 40 cases, 24 9½-oz. cans each, at Hanover, Pa.

SHIPPED: 1-4-55, from Washington, D. C. This was a return shipment.

LABEL IN PART: (Can) "Banjo Vacuum Packed White Hominy."

LIBELED: 6-8-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—unfit for food by reason of discoloration and lacquer peeling from can lining.

DISPOSITION: 7-21-55. Default—destruction.

22517. Olives. (F. D. C. No. 37945. S. Nos. 2-477/8 M.)

QUANTITY: 84 cases, 24 3-oz. jars each, and 90 cases, 24 4½-oz. jars each, at Landover, Md.

SHIPPED: 3-21-55, from Brooklyn, N. Y., by Mawer-Gulden-Annis, Inc.

LABEL IN PART: (Jar) "Grandee Spanish Olives Stuffed With Spanish Sweet Peppers."

LIBELED: On or about 4-18-55, Dist. Md.

CHARGE: 402 (a) (2)—when shipped contained an added deleterious substance, glass fragments, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 5-12-55. Consent—claimed by Mawer-Gulden-Annis, Inc. Reprocessed by washing, and repacked.

22518. Canned sauerkraut (2 seizure actions). (F. D. C. Nos. 36406, 36692. S. Nos. 41-663 L, 82-345 L.)

QUANTITY: 101 cases, 6 6-lb., 4-oz. cans each, and 43 cases, 24 1-lb., 11-oz. cans each, at Philadelphia and York, Pa.

SHIPPED: 1-20-54 and 1-28-54, from Phelps, N. Y., by Seneca Kraut & Pickling Co.

LABEL IN PART: (Can) "Seneca Brand Sauerkraut."

LIBELED: 3-1-54, E. Dist. Pa.; 3-18-54, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Pursuant to an agreement between Seneca Kraut & Pickling Co., claimant, and the Government, an order was entered by the United States District Court for the Eastern District of Pennsylvania on 4-28-54, providing that the libel action pending in the Middle District of Pennsylvania be consolidated for trial with that pending in the Eastern District of Pennsylvania. Subsequently, the claimant filed an answer denying that the article was adulterated as alleged in the libels. Thereafter, interrogatories were served upon the claimant by the Government and were answered.

On 6-27-55, the Government filed a motion for a summary judgment on the ground that there was no genuine issue of material fact. On 9-22-55, the