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