

CHARGE: 402(a)(3)—contained insects and insect fragments; 402(a) prepared under insanitary conditions; 403(b)—the article, when shipped, offered for sale under the name of another food; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantitative contents.

DISPOSITION: 10-23-58. Default—destruction of 6 cases, all that was available for seizure.

25231. Canned mushrooms. (F.D.C. No. 42089. S. No. 26-909 P.)

QUANTITY: 19 cases, 24 cans each, at St. Paul, Minn.

SHIPPED: 6-23-58, from Hudson, N.Y., by K-B Products Corp.

LABEL IN PART: (Case) "Knaust's Mushrooms-Elf Brand"; (can) "Elf Brand Stems and Pieces Mushrooms Drained Wgt. 8 oz. Net Avd."

LIBELED: 8-14-58, Dist. Minn.

CHARGE: 403(b)(2)—the article purported to be and was represented as canned mushrooms, a food for which a standard of fill of container has been prescribed by regulations, and the article fell below such standard when shipped, since the weight of the drained mushrooms in the container was less than that prescribed by the regulations, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: 10-27-58. Default—delivered to a State institution, for use as food.

25232. Canned Mushrooms. (F.D.C. No. 42105. S. No. 25-682 P.)

QUANTITY: 26 cases, 24 cans each, at Minneapolis, Minn.

SHIPPED: 6-23-58, from Hudson, N.Y., by K-B Products Corp.

LABEL IN PART: (Can) "Knaust Brand Net Wt. 8 oz. Pieces and Stems Mushrooms."

LIBELED: 8-28-58, Dist. Minn.

CHARGE: 403(h)(2)—the article purported to be and was represented as canned mushrooms, a food for which a standard of fill of container has been prescribed by regulations, and the article fell below such standard when shipped, since the weight of the drained mushrooms in the container was less than that prescribed by the regulations, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: 12-4-58. Default—delivered to a local charitable institution for use as food.

TOMATOES AND TOMATO PRODUCTS

25233. Canned tomatoes. (F.D.C. No. 42125. S. No. 28-680 P.)

QUANTITY: 508 cases, 24 1-lb. cans each, at Shreveport, La.

SHIPPED: 7-25-58, from Donna, Tex., by Knapp-Sherrill Co.

LABEL IN PART: (Can) "Texas Magic Brand * * * Tomatoes."

RESULTS OF INVESTIGATION: Examination showed that the article contained decomposed tomato material.

LIBELED: 9-22-58, W. Dist. La.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 11-14-58. Default—destruction.