9764. Misbranding of mushrooms. U. S. v. Giroso and Giroso. Plea of nolo contendere. Fine, $250. (F. D. C. No. 16553. Sample Nos. 85217–F, 4064–H.)

INFORMATION FILED: October 30, 1945, Eastern District of Pennsylvania, against Giroso and Giroso, a partnership, Hockessin, Del.

ALLEGED SHIPMENT: On or about November 2, 1944, and March 27, 1945, from Kaolin, Pa., into the States of New Jersey and New York.

LABEL, IN PART: "3 Lb. Net Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the baskets contained less than 3 pounds of mushrooms.

DISPOSITION: November 29, 1945. A plea of nolo contendere having been filed on behalf of the defendant, the court imposed a fine of $125 on each count, a total fine of $250.

9765. Misbranding of canned peas. U. S. v. 948 Cases and 925 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11879. Sample Nos. 67012–F, 67013–F.)

LIBEL FILED: February 23, 1944, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 16, 1943, by the Kuner-Empson Co., from Longmont, Colo.

PRODUCT: 1,873 cases, each containing 24 1-pound, 4-ounce cans, of peas at Oklahoma City, Okla.

LABEL, IN PART: "Success Brand * * * Sweet Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard because of high alcohol-insoluble solids, and less than 90 percent of the peas failed to meet the test for tenderness prescribed by the regulations.

DISPOSITION: March 25, 1945. The Kuner-Empson Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

9766. Adulteration of pickled peppers. U. S. v. 718 Jars of Pickled Peppers. Default decree of condemnation. Product ordered delivered to a Federal institution for salvage of the jars. (F. D. C. No. 17132. Sample Nos. 369–H, 370–H.)

LIBEL FILED: August 24, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 4 and 6, 1945, by the Leibowitz Pickle Products Co., from New York, N. Y.

PRODUCT: 718 1-gallon jars of pickled peppers at Jacksonville, Fla. Examination showed that the product was fermenting.

LABEL, IN PART: (Portion) "Leibo Brand Imported Style Peppers."

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

DISPOSITION: September 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, conditioned that the jars be salvaged and the contents destroyed.

9767. Adulteration of pickles. U. S. v. 46 Barrels of Pickles. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16447, 16448. Sample Nos. 21219–H, 21220–H.)

LIBEL FILED: On or about June 19, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of November 18 and 27, 1944, by Ira Smythe, from Henderson, Colo.

PRODUCT: 46 barrels of pickles at Kansas City, Mo.

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

DISPOSITION: July 12, 1945. The W. B. Schneider Pickle and Vinegar Co., Kansas City, Mo., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.