

1295. Adulteration and misbranding of canned beans. U. S. v. 40 Cases and 49 Cases of Beans. Default decree of condemnation and destruction. (F. D. C. Nos. 2603, 2819. Sample Nos. 26411-E, 26946-E.)

This product was represented to consist of beans with pork and tomato sauce or tomato puree; whereas it contained no tomato sauce or puree and little or no pork. Some of the cans in one shipment contained excessive liquid.

On August 26 and September 17, 1940, the United States attorney for the District of Oregon filed libels against 40 cases of canned beans at Grants Pass, Oreg., and 49 cases at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about July 29 and August 7, 1940, by Northwest Food Products, Inc., from Seattle, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Aunt Mandy's Brand Beans with Pork and Tomato Sauce [or "Beans with Pork and Sauce Contains * * * Tomato Puree"]].

Adulteration was alleged in that a product consisting of beans with a considerable amount of added fluid in one of the shipments and containing no tomato sauce and little or no pork had been substituted for beans with pork and tomato sauce.

The article was alleged to be misbranded in that the statement "Beans with Pork and Tomato Sauce" with respect to portions of the article and the statement "Beans with pork * * * contains tomato puree" with respect to the remainder, and the vignette showing a substantial amount of pork and no free liquid on the labeling of portions of the article, were false and misleading as applied to an article containing no tomato sauce or tomato puree, little or no pork, and containing a considerable amount of free liquid packing medium in some of the cans.

On October 9 and November 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed or delivered to charitable institutions.

1296. Adulteration of grilled mushrooms. U. S. v. 135 Cans and 12 Cases of Grilled Mushrooms. Default decrees of condemnation and destruction. (F. D. C. Nos. 2456, 2693. Sample Nos. 33733-E, 33857-E.)

This product was decomposed.

On July 27 and August 28, 1940, the United States attorney for the Southern District of New York filed libels against 135 cans and 12 cases of grilled mushrooms at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about February 2 to on or about June 14, 1940, by Turin's Inn from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. One lot was labeled in part: (Cans) "Lily White Brand Grilled Mushrooms * * * sold by R. H. Macy & Co. New York." The remaining lot was labeled in part: "Connoisseur Grilled Mushrooms * * * Packed for Jules Weber Incorporated New York."

On August 15 and September 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1297. Adulteration of grilled mushrooms. U. S. v. 25 Cases of Grilled Mushrooms (and 2 other seizures of grilled mushrooms). Default decrees of condemnation and destruction. (F. D. C. Nos. 2587, 2588, 2589. Sample Nos. 33854-E, 33855-E, 33856-E.)

This product was decomposed.

On August 17, 1940, the United States attorney for the Southern District of New York filed libels against 61 cases of grilled mushrooms, alleging that the article had been shipped in interstate commerce within the period from on or about February 14, 1939, to on or about July 17, 1940, by Turin's Inn from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Grilled Mushrooms, Julius Wile Sons & Co. Inc." or "'Au Gourmet' Brand Mushrooms * * * Distributed by Meyer & Lange New York."

On September 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1298. Adulteration and misbranding of canned peas. U. S. v. The Mount Airy Canning Co., Burton Proctor, Jr., and Luke Amato. Pleas of guilty. Fines, \$450 and costs. (F. D. C. No. 2116. Sample Nos. 73699-D, 73978-D, 73979-D, 86853-D.)

This product was in whole or in part decomposed. It also was falsely labeled as to variety and name and place of business of the packer.