

at Jacksonville, Fla., alleging that the article had been shipped on or about July 17 and 18, 1941, by J. W. Holloway, Jr., from Andersonville, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 1 Lb. 13 Ozs. Big Ben Brand Halves White Freestone Peaches in Light Syrup Packed by Easterlin Packing Co. Andersonville, Ga."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 24, 1941, J. W. Holloway, Jr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CANNED VEGETABLES

2451. Misbranding of canned corn. U. S. v. 768 Cases of Canned Corn. Judgment of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4308. Sample No. 40579-E.)

Examination of this product showed some of it to be Grade B and some of it Grade C corn instead of Fancy and Grade A as represented on the label.

On April 14, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel (amended May 16, 1941) against 768 cases, each containing 24 No. 2 cans, of corn at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by Ladoga Canning Co. from Indianapolis, Ind.; and charging that it was misbranded. The article was labeled in part: "Asco Brand Country Gentleman Fancy White Sugar Corn Cream Style * * * Grade A."

It was alleged to be misbranded in that the statements "Fancy" and "Grade A," appearing on the labels, were false and misleading as applied to Grade B and Grade C corn.

On October 30, 1941, American Stores Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

2452. Misbranding of canned corn. U. S. v. 24 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 4973. Sample No. 42424-E.)

This product was represented on the label to be of Fancy quality, but fell below that grade because of over maturity of the kernels and the presence of pieces of cob and husk. It also failed to meet certain other labeling requirements of the law.

On June 24, 1941, the United States attorney for the Western District of Pennsylvania filed a libel (which was amended on July 3, 1941) against 24 cases, each containing 24 No. 2 cans, of corn at Pittsburgh, Pa., alleging that the article had been shipped on or about April 5, 1941, by the Snider Packing Corporation from Albion, N. Y.; and charging that it was misbranded. It was labeled in part: "Melt-A-Way Country Gentleman Corn."

The article was alleged to be misbranded (1) in that the statement "Fancy Quality" was false and misleading since it was not of Fancy quality; (2) in that the vignette of an ear of white corn with even rows of kernels was false and misleading since Country Gentleman corn is not in even rows; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear the name of the food specified in the definition and standard (white sweet corn, white corn, or white sugar corn) and the common name of the optional ingredient (cream style or crushed) as provided by the definition and standard.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2453. Misbranding of canned lima beans. U. S. v. 71 Cases of Canned Lima Beans. Default decree of condemnation and destruction. (F. D. C. No. 5143. Sample No. 42435-E.)

This product was falsely represented to be of Fancy quality.

On July 14, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 71 cases, each containing 24 No. 2 cans, of lima beans at Pittsburgh, Pa., alleging that the article had been shipped on or about February 25, 1941, by Brakeley Canning Co. from Bordentown, N. J.; and charging that it