

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

was misbranded. It was labeled in part: (Cans) "[Vignette of tiny green lima beans] Medium Size Little Darling \* \* \* Fancy Tender Green Lima Beans."

The article was alleged to be misbranded in that the vignette of tiny green lima beans and the statement "Fancy Tender Green Lima Beans" were false and misleading as applied to an article that was of light yellow color with a slightly green tint, that was about the size commercially known as "medium" and about twice the size of the beans in the vignette, and that was too old and mealy for Fancy quality or to be classed as tender.

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2454. Adulteration and misbranding of pork and beans. U. S. v. 300 Cases of Canned Pork and Beans. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5229. Sample No. 53521-E.)**

This product was labeled to indicate that it contained a substantial amount of pork; whereas some of the cans contained no pork at all and some contained only a very small piece.

On July 25, 1941, the United States attorney for the Western District of Washington filed a libel against 300 cases of canned pork and beans at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about July 11, 1941, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated and misbranded. The label bore the statement "Val Vita Pork and Beans" and a vignette of a dish of beans with a substantial amount of pork.

The article was alleged to be adulterated in that a valuable constituent, pork, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement "Pork and Beans" and the vignette referred to above, were false and misleading as applied to canned beans containing no pork at all or a very small amount.

On August 22, 1941, Val Vita Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

Nos. 2455 to 2457 report actions based on interstate shipments of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the results of official tests.

**2455. Misbranding of canned peas. U. S. v. Hillsboro Queen-Anne Cooperative Corporation. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2970. Sample Nos. 20463-E, 20465-E.)**

On September 16, 1941, the United States attorney for the District of Maryland filed an information against the Hillsboro Queen-Anne Cooperative Corporation, Hillsboro, Md., alleging delivery for introduction in interstate commerce on or about July 7, 1940, from the State of Maryland into the State of Georgia of a quantity of canned peas that were misbranded. They were labeled in part: "H Q A Early June Peas \* \* \* 6 Lbs. 9 Oz."

The article was alleged to be misbranded in that it purported to be canned peas of the Alaska or other smooth skin variety, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below the standard so prescribed in that the alcohol-insoluble solids were more than 23.5 percent 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 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

**2456. Misbranding of canned peas. U. S. v. 443 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3603. Sample No. 27763-E.)**

On January 6, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 443 cases of canned peas at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by the McCoy Canned Foods Co. from Urbana, Ohio; and charging that it was misbranded. It was labeled in part: "Cuba [or "McCoy"] Brand Early June Peas."

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 pro-