

but its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 6, 1941, the W. D. Ross Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law and that the label must include the statement, "Mixed Pieces of Irregular Sizes and Shapes."

**2733. Misbranding of canned pears. U. S. v. 25 Cases of Canned Pears. Default decree of forfeiture and destruction. (F. D. C. No. 4741. Sample No. 60564-E.)**

These pears were not tender and were excessively trimmed and thereby fell below the standard of quality prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act; but their labels did not bear in such manner and form as the regulations specify, a statement that they fell below such standard, viz, "Below Standard in Quality—Good Food—Not High Grade." This product also failed to conform to the prescribed definition and standard of identity for canned pears because its label did not bear the name of the optional pear ingredient, viz, "Pear Halves"; nor the name of the optional liquid packing medium, viz, "Medium Sirup."

On May 9, 1941, the United States attorney for the District of Idaho filed a libel against 25 cases, each containing 6 No. 10 cans, of pears at Lewiston, Idaho, alleging that the article had been shipped on or about September 24, 1940, by F. W. Dustan & Son from Clarkston, Wash.; and charging that it was misbranded. It was labeled in part: "Juliaetta Brand Pears."

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 it was substandard in quality [for tenderness] because a weight of more than 300 grams was required to pierce each of the units tested, and [for trim] in that the halves were trimmed so excessively that their normal shape was not preserved; and the label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

It was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed, but it failed to conform to such standard because its label did not bear the name of the optional pear ingredient and of the optional liquid packing medium present therein.

On June 4, 1941, no claimant having appeared, judgment of forfeiture was entered, and the product was ordered destroyed.

**2734. Misbranding of canned corn. U. S. v. 750 Cases of Canned Corn (and 3 other seizures of canned corn). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 4444, 4510. Sample Nos. 14297-E, 69019-E to 69021-E, incl.)**

This corn not only was overmature, but a portion was found to contain kernels that were off color and off flavor because of scorching. A portion that was labeled "Country Gentleman Corn" failed to bear on the label the name of the food specified in the definition and standard of identity, that is, "White Sweet Corn," "White Corn," or "White Sugar Corn."

On April 23 and 25, 1941, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 941 cases each containing 24 No. 2 cans of corn at Newark, N. J., and 750 cases each containing 24 No. 2 cans of corn at East Lansdowne, Pa., alleging that the article had been shipped on or about December 21, 1940, and January 27, 1941, by Stoops Packing Co. from Van Wert, Ohio; and charging that it was misbranded. It was labeled in part: "Uco Our Best [or "The Better"] Grade Fancy Cream Style Golden [or "Country Gentleman"] Sweet Corn"; or "Tigo Brand Fancy Cream Style Golden Sweet Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article (750 cases) that was not Fancy because of the presence of overmature corn; (850 cases) that was not Fancy because of the presence of overmature corn and of off color and flavor due to scorching; and (91 cases) that was not Fancy because of the presence of old and tough kernels. A portion of the product was alleged to be misbranded further 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 the labels failed to bear the name of the food specified in the definition and standard.

On May 12 and 14, 1941, Stoops Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the