

**3105. Misbranding of canned corn. U. S. v. 429 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6248. Sample No. 74575-E.)**

This product was not of Fancy quality because of overmaturity, too much silk, husk, cob, and poor, ragged cut.

On or about November 21, 1941, the United States attorney for the District of New Jersey filed a libel against 429 cases of canned corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 2, 1941, by H. M. Ruff & Sons from Woodbine, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the condition shown above. The article was labeled in part: "Uco Our Best Grade Fancy Golden Sweet Whole Kernel Corn \* \* \* Uco Food Corp. Newark, N. J. Distributors."

On January 9, 1942 the Uco Food Corporation, 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.

**3106. Misbranding of canned corn. U. S. v. 123 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6808. Sample No. 87715-E.)**

Examination showed this product was not of Fancy quality because of the presence of pieces of husk and cob.

On February 3, 1942, the United States attorney for the District of Columbia filed a libel against 123 cases of canned corn at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by the B. F. Shriver Co. from Westminster, Md.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of small pieces of husk and cob. The article was labeled in part: "Aunt Nellie's Fancy Shoe Peg White Sweet Corn \* \* \* Packed For Aunt Nellie's Farm Kitchen, Inc. Hartford, Wis."

On April 7, 1942, the B. F. Shriver Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

Nos. 3107 and 3108 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent.

**3107. Misbranding of canned peas. U. S. v. 998 Cases, 899 Cases, and 99 Cases of Canned Peas. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 5679. Sample Nos. 50877-E, 59026-E.)**

On September 12, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 998 cases (amended on or about September 26, 1941, to cover an additional 998 cases), each containing 24 cans, of peas at Richmond, Va., alleging that the article had been shipped on or about August 12, 1941, by Mason Canning Co. from Pocomoke City, Md.; and charging that it was misbranded. One lot (998 cases) was labeled in part: (Cans) "Enfield Club Early June Peas Contents 1 Lb. 4 Ozs. Standard Quality Distributed By H. P. Taylor Jr. Inc. Richmond Va." Another lot (99 cases) was unlabeled when shipped but subsequently was labeled: "Brite-Day Brand Early June Peas Contents: 1 Lb., 4 Ozs. Distributors W. M. Gary Grocery Co., Inc. Richmond, Va." The cans in 899 cases were unlabeled.

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 in that the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to 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: (998 cases) In that the statement "Standard Quality" was false and misleading because it was substandard. (899 cases and 99 cases) In that it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.