

On April 18, 1942, the cases having been consolidated, and L. Demartini Co., claimant, having admitted all allegations of the libel with the exception of the allegation that the product had been prepared under insanitary conditions whereby it might have been contaminated with filth, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of in conformity with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

CANNED VEGETABLES

3739. Adulteration and misbranding of canned asparagus. U. S. v. 72 Cases of Canned Asparagus. Default decree of condemnation and destruction. (F. D. C. No. 7513. Sample No. 95049-E.)

Examination showed that this product consisted principally of the lower inedible portions of the asparagus sprout.

On May 14, 1942, the United States attorney for the Middle District of Alabama filed a libel against 72 cases, each containing 6 No. 10 cans, of asparagus at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about April 23, 1942, by National Brands Sales Corporation for W. J. Withers, Inc., San Francisco, Calif., from Alameda, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Packrite Brand Asparagus * * * Packed by Manteca Canning Co., Manteca, California."

The article was alleged to be adulterated in that the lower inedible portions of the asparagus sprout had been substituted wholly or in part for edible asparagus.

It was alleged to be misbranded 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 it failed to conform to such definition and standard since it did not consist of the edible portions of sprouts of the asparagus plant.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3740. Adulteration of canned green beans. U. S. v. 180 Cases and 121 Cases of Green Beans. Default decree of destruction. (F. D. C. No. 6677. Sample Nos. 67632-E, 67633-E.)

This product was in whole or in part decomposed.

On or about January 22, 1942, the United States attorney for the Western District of Missouri filed a libel against 301 cases, each containing 24 No. 2 cans, of green beans at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Good Canning Corporation from Fort Smith, Ark.; 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: (Cans) "Dependable [or "Mrs. Lane's"] Cut Stringless Green Beans * * * Packed By Good Canning Corporation [or "Foodland Inc. Distributors Cleveland, Ohio"]."

On April 10, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

3741. Adulteration of canned pork and beans. U. S. v. 2,077 Cases of Canned Pork and Beans. Consent decree ordering the product released under bond to be reconditioned. (F. D. C. No. 7061. Sample Nos. 17367-E, 17368-E.)

Examination showed that this product was undergoing progressive decomposition.

On March 19, 1942, the United States attorney for the District of Utah filed a libel against 2,077 cases, each containing 6 No. 10 cans, of pork and beans at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about February 16 and 17, 1942, by Griffin Grocery Co. from Muskogee, Okla.; 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: (Cans) "Polar Bear * * * Pork and Beans with Tomato Sauce."

On April 13, 1942, Griffin Grocery Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be separated, sorted, and disposed of in compliance with the law. The cans containing decomposed material were segregated and destroyed.