

become contaminated with filth. The article was labeled in part: (Jars) "Bulliard's Evangeline Brand * * * Fig Preserves."

On October 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5366. Adulteration of mincemeat. U. S. v. Old Virginia Packing Co., Inc. Plea of guilty. Fine, \$225. (F. D. C. No. 9637. Sample Nos. 24171-F, 24172-F, 36843-F.)

This product contained rodent hairs and other hairs, insects, miscellaneous insect fragments, insect parts, and larvae.

On July 7, 1943, the United States attorney for the Western District of Virginia filed an information against the Old Virginia Packing Co., Inc., at Front Royal, Va., alleging shipment within the period from on or about November 18 to December 17, 1942, from the State of Virginia into the State of Maryland and the District of Columbia of a quantity of mincemeat that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Virginia Royal Fancy Plain Mincemeat," "Major Brand Mincemeat," or "Old Virginia Extra Fancy Mincemeat Wine and Rum."

On October 25, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75 on each of the 3 counts contained in the information, or a total fine of \$225.

5367. Adulteration of strawberry juice. U. S. v. 38 Cans of Strawberry Juice. Default decree of condemnation and destruction. (F. D. C. No. 10412. Sample No. 37343-F.)

On August 16, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 38 cans, each containing 5 gallons, of strawberry juice at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by the Sunshine Packing Corporation from North East, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5368. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10170. Sample No. 29829-F.)

Analysis showed the product had been diluted with water to less than 4 percent acetic acid strength. (40 Grain = 4% acetic acid.)

On June 29, 1943, the United States attorney for the District of Nevada filed a libel against 5 barrels of vinegar at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by the Valley Wholesale Grocery Co. from Sacramento, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Valley Brand Apple Cider Vinegar 40 Grain."

The article was alleged to be adulterated in that apple cider vinegar and water had been substituted wholly or in part for "Apple Cider Vinegar 40 Grain," and in that water had been added to or mixed or packed therewith so as to reduce its quality or strength below that represented by the labeling.

The article was alleged to be misbranded in that the statement "Apple Cider Vinegar 40 Grain" was false and misleading as applied to apple cider diluted with water to less than 4 percent acetic acid strength, and in that it was offered for sale under the name of another food, "Apple Cider Vinegar 40 Grain."

On August 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

VEGETABLES

5369. Misbranding of canned corn. U. S. v. 79 Cases of Canned Corn. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10080. Sample No. 29097-F.)

On June 14, 1942, the United States attorney for the Northern District of Georgia filed a libel against 79 cases of canned corn at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Tom Corwin Canning Co. from Lebanon, Ohio; and charging that

it was misbranded. The article was labeled in part: "Rich-Pak Brand * * * Sweetened Yellow Variety Field Corn Cream Style."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it was not prepared from succulent ears of field corn from which the seed was cut and scraped as required by the definition and standard of identity.

On June 28, 1943, Rich & Morgan, Atlanta, Ga., having appeared as claimants and 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.

5370. Adulteration of canned mustard greens. U. S. v. 615 Cases of Mustard Greens. Default decree of condemnation and destruction. (F. D. C. No. 10096. Sample No. 10300-F.)

On June 18, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 615 cases, each containing 24 unlabeled cans, of mustard greens at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 16, 1942, by the Bentonville Canning Co. from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, insect fragments, caterpillars, and aphids.

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5371. Misbranding of canned peas. U. S. v. 334 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 10137. Sample No. 48092-F.)

On June 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 334 cases of canned peas at Cincinnati, Ohio, which had been consigned on or about February 25, 1943, alleging that the article had been shipped in interstate commerce by the Cambria Canning Corporation from Jonesville, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Star of Wisconsin * * * Small Early Peas Distributed by Mammoth Spring Canning Company Main Office Sussex * * * Wisconsin."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, and its quality fell below such standard since the weight of extraneous vegetable material (chiefly thistle buds) was more than one-half of one percent of the drained weight of the peas in the container, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

5372. Adulteration of spinach. U. S. v. 1,284 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 9437. Sample No. 41623-F.)

On February 26, 1943, the United States attorney for the Southern District of Ohio filed a libel against 1,284 cases, each case containing 6 cans, of spinach at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 6, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, maggots. The article was labeled in part: (Cans) "McGrath's Champion Brand Spinach."

On October 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5373. Adulteration of dried blackeye beans. U. S. v. 15 Cases of Dried Blackeye Beans. Default decree of condemnation and destruction. (F. D. C. No. 10107. Sample No. 42814-F.)

On or about July 1, 1943, the United States attorney for the District of Montana filed a libel against 15 cases, each containing 72 1-pound bags, of dried blackeye beans at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about November 7, 1942, and February 10, 1943, by the Washburn-Wilson Seed Co. from Moscow, Idaho; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, beans