

**6334. Adulteration of canned corn. U. S. v. 244 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 11596. Sample No. 58046-F.)**

**LIBEL FILED:** January 8, 1944, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 11, 1943, by the Eddington Canning Co., from Springville, Utah.

**PRODUCT:** 244 cases, each containing 24 1-pound, 4-ounce cans, of corn at Denver, Colo.

**LABEL, IN PART:** (Cans) "Eddington's Utah Trail Golden Bantam Golden Sweet Cream Style Corn."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, corn ear worm fragments and miscellaneous insect fragments.

**DISPOSITION:** March 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6335. Misbranding of canned eggplant appetizer. U. S. v. 300 Cases of Egg Plant Appetizer. Decree ordering product released under bond to be relabeled. (F. D. C. No. 10938. Sample No. 13985-F.)**

**LIBEL FILED:** October 13, 1943, Southern District of California.

**ALLEGED SHIPMENT:** On or about July 30, 1943, by the Uddo & Taormina Co., from Crystal Springs, Miss.

**PRODUCT:** 300 cases, each containing 48 cans, of eggplant appetizer at Los Angeles, Calif.

**LABEL, IN PART:** (Can) "Progresso Net Contents 9 Ozs. Avoir. Egg plant Appetizer \* \* \* Caponata"

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Net Contents 9 Ozs. Avoir." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was in package form and the label failed to bear an accurate statement of the quantity of the contents.

**DISPOSITION:** November 1, 1943. The Uddo & Taormina Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6336. Adulteration of canned green beans. U. S. v. 85 Cases of Canned Green Beans. Default decree of condemnation. Product ordered delivered to a welfare organization, for use as hog feed. (F. D. C. No. 11172. Sample No. 7158-F.)**

**LIBEL FILED:** On or about December 2, 1943, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 3, 1943, by the Bentonville Canning Co., from Bentonville, Ark.

**PRODUCT:** 85 cases, each containing 6 No. 10 cans, of green beans at Jefferson City, Mo.

**LABEL, IN PART:** (Cans) "Mayflower Cut Green Beans \* \* \* Distributed by Marshall Canning Co. Marshalltown, Iowa."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, for use as hog feed.

**6337. Adulteration of canned green beans. U. S. v. 600 Cases of Canned Green Beans. Default decree of condemnation. Product ordered delivered to a welfare organization, to be used as hog feed. (F. D. C. No. 10865. Sample No. 43348-F.)**

**LIBEL FILED:** On or about October 12, 1943, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 22, 1943, by the Hargis Canneries, Inc., from Fayetteville, Ark.

**PRODUCT:** 600 cases, each containing 24 cans, of cut green beans at Kansas City, Mo.

**LABEL, IN PART:** "Hargis Brand Cut Green Beans."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, to be used as hog feed.

**6338. Misbranding of canned green beans. U. S. v. 452 Cases of Green Beans. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 11644. Sample No. 65310-F.)

**LIBEL FILED:** January 14, 1944, District of Idaho.

**ALLEGED SHIPMENT:** On or about September 21, 1943, by the Northwest Packing Co., from Portland, Oreg.

**PRODUCT:** 452 cases, each containing 24 cans, of green beans at Boise, Idaho.

**LABEL, IN PART:** (Cans) "Mt. Hood Short Cut Green Beans" [vignette of a dish containing middle cuts of green beans].

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans and the term "Short Cut Beans," appearing in the labeling, were misleading as applied to a product which consisted mainly of tip ends and scraps of string beans.

**DISPOSITION:** February 9, 1944. The Northwest Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

**6339. Adulteration of canned peas. U. S. v. 568 Cases and 746 Cases of Canned Peas (and 1 other seizure action against canned peas). Decrees of condemnation. Portion ordered delivered to a welfare organization, for use as hog feed; remainder ordered destroyed.** (F. D. C. Nos. 11226, 11602, 11603. Sample Nos. 43701-F, 43702-F, 66422-F, 66423-F.)

**LIBELS FILED:** On or about December 8, 1943, to February 18, 1944, District of Kansas and Western District of Missouri.

**ALLEGED SHIPMENT:** On or about October 20 and 25, 1943, by the River View Canning Corp., Markesan, Wis.

**PRODUCT:** Peas: 1,994 cases at Kansas City, Mo., 568 cases at Wichita, Kans., and 746 cases at Arkansas City, Kans., each case containing 24 cans.

Examination showed that the peas had an abnormal odor resembling that of stale sewage. Inspectional evidence disclosed that, beginning with July 8, 1943, the water supply used by the River View Canning Corporation was polluted from the contamination of the well water with sewage from a defective sewage system. This polluted water was used in preparing the brine in which the peas were subsequently packed.

**LABEL, IN PART:** (Portions, cans) "Pan Tree Early June Peas \* \* \* Distributed By The Ranney-Davis Mercantile Co.," "Mother Goose Brand Early June Peas \* \* \* The H. D. Lee Mercantile Co. Distributors Kansas City, Mo., Salina, Kas.," or "Wiscos Brand Early June Peas \* \* \* Packed By Fall River Canning Co. Fall River, Wis."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for food; and Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** January 11, 1944. No claimant having appeared for the Kansas City lot, judgment of condemnation was entered and the product was ordered delivered to a welfare organization, for use as hog feed. On March 13, 1944, the consignee of the remaining lots having admitted that the lots were adulterated as alleged in the libel, judgments of condemnation were entered and the peas were ordered destroyed.

**6340. Adulteration and misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 11783. Sample No. 58817-F.)

**LIBEL FILED:** February 10, 1944, District of Maryland.

**ALLEGED SHIPMENT:** On or about January 21, 1944, from Norfolk, Va. This was a shipment returned to the original shipper.

**PRODUCT:** 329 cases, each containing 100 6-ounce cans, of peas at Baltimore, Md.

**LABEL, IN PART:** (Cans) "Primo Brand Moyens Peas Prepared from Dried Peas Packed By J. Langrall & Bro., Inc. Baltimore, Md."