

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

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and it was ordered that the unfit portion be destroyed and the edible portion delivered to a public institution.

S247. Misbranding of canned lima beans. U. S. v. 256 Cases of Canned Lima Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16198. Sample No. 26943-H.)

LIBEL FILED: June 5, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about April 2, 1945, by the Otoe Food Products Co., from Nebraska City, Nebr.

PRODUCT: 256 cases, each containing 24 1-pound, 4-ounce cans, of lima beans at Denver, Colo.

LABEL, IN PART: "Otoe Small Lima Beans In Sauce * * * Packed From Dry Lima Beans, Sauce Ingredients—Water—Salt—Sugar—Butter—Vinegar."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Water—Salt—Sugar—Butter—Vinegar," was misleading since it failed to reveal the material fact that the article contained but a minute quantity of butter, if any; and Section 403 (g) (1), the article purported to be and was represented as canned lima beans, but it failed to conform to the definition and standard which provides that the vegetable ingredient be obtained by proper preparation from the succulent vegetable, whereas the article was prepared from dried lima beans.

DISPOSITION: July 28, 1945. The Otoe Food Products 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 Food and Drug Administration.

S248. Adulteration of lima beans, rice, and pinto beans. U. S. v. 45 Bags of Lima Beans, 13 Bags of Rice, 11 Bags of Pinto Beans, and 25 Bags of Baby Lima Beans. Decree of condemnation. Products ordered released under bond. (F. D. C. No. 15931. Sample Nos. 20221-H, 20223-H to 20225-H, incl., 20251-H.)

LIBEL FILED: On or about April 24, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of September 2 and November 23, 1944, from DeWitt, Ark., Fort Morgan, Colo., Oxford, Calif., and Tarke, Calif.

PRODUCT: 45 100-pound bags of lima beans, 13 100-pound bags of rice, 11 100-pound bags of pinto beans, and 25 100-pound bags of baby lima beans at Kansas City, Mo., in the possession of the Consumers Mill Product Co. The products were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the rice and 1 lot of lima beans contained rodent excreta and rodent hairs, and that the pinto beans and the other lot of limas were contaminated with urine and contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 12, 1945. The Consumers Mill Product Co. having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The products were converted into animal feed.

S249. Adulteration of frozen broccoli. U. S. v. 914 Cases of Frozen Broccoli. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16366, 16367. Sample No. 4530-H.)

LIBEL FILED: June 11, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 25, 1944, by the Hershey Packing Co., from Everett, Wash.

PRODUCT: 914 cases, each containing 24 10-ounce packages, of frozen broccoli at Philadelphia, Pa.

LABEL, IN PART: "Hershey's Quick Frozen Broccoli."

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

DISPOSITION: July 6, 1945. The Reading Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8250. Adulteration of canned corn. U. S. v. 99 Cases of Canned Corn (and 3 other seizure actions against canned corn). Default decrees of condemnation and destruction. (F. D. C. Nos. 16034 to 16036, incl., 16041. Sample Nos. 2850-H, 2851-H, 3045-H, 3046-H.)

LIBELS FILED: April 14, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about February 5 and 6, 1945, by Thomas and Co., from Frederick, Md.

PRODUCT: 379 cases, each containing 6 6-pound, 10-ounce cans, of corn at Washington, D. C. This product was undergoing progressive decomposition.

LABEL, IN PART: (Cans) "Barbara Fritchie Brand Cream Style Corn."

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

DISPOSITION: May 28, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8251. Adulteration of dried mushrooms. U. S. v. 20 Cards of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 16248. Sample No. 30849-H.)

LIBEL FILED: May 26, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about May 8, 1945, by Sokol and Co., from Chicago, Ill.

PRODUCT: 20 cards, each bearing 12 cellophane packages, of dried mushrooms at Los Angeles, Calif.

LABEL, IN PART: "Shield Brand Dried Mushrooms."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, insect fragments, and rodent hairs.

DISPOSITION: June 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8252. Adulteration of canned peppers. U. S. v. 49 Cases of Peppers. Default decree of condemnation and destruction. (F. D. C. No. 15911. Sample No. 18350-H.)

LIBEL FILED: April 12, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 24, 1945, by the Klopff Sales Co., from Kansas City, Mo.

PRODUCT: 49 cases, each containing 24 6-ounce jars, of peppers at Sioux City, Iowa. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Schneider's Superior Fancy No. 12 Sweet Peppers."

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

DISPOSITION: May 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8253. Adulteration of peppers in glass. U. S. v. 99 Cases of Peppers in Glass. Default decree of condemnation and destruction. (F. D. C. No. 16052. Sample No. 29334-H.)

LIBEL FILED: April 21, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about March 24, 1945, by V. Galati, through Encinal Terminals, Oakland, Calif.

PRODUCT: 99 cases, each containing 24 1-pint jars, of peppers in glass, at New York, N. Y. This product was underprocessed, fermented, and decomposed.

LABEL, IN PART: (Jars) "Lombardo Brand Peperoncini * * * Galati Packing Co. San Jose, Calif."

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

DISPOSITION: May 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.