

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans and the term "Cut Green Beans" were misleading as applied to a byproduct consisting mainly of end cuts and tips of string beans.

DISPOSITION: October 7, 1946. The California Packing Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10815. Adulteration of canned beans with pork and tomato sauce. U. S. v. 342 Cases * * *. (F. D. C. No. 18218. Sample No. 12429-H.)

LABEL FILED: October 25, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 13, 1945, by the Sweet Life Food Corporation, from Baltimore, Md.

PRODUCT: 342 cases, each containing 24 1-pound, 14-ounce cans, of beans with pork and tomato sauce.

LABEL, IN PART: "Gibbs Beans with Pork and Tomato Sauce * * * Packed by Gibbs & Co., Inc., Baltimore, Md., U. S. A."

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

DISPOSITION: March 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10816. Adulteration of frozen corn. U. S. v. 795 Cases * * *. (F. D. C. No. 18912. Sample No. 37436-H.)

LABEL FILED: January 28, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Monmouth Products Co., from Jersey City, N. J.

PRODUCT: 795 cases, each containing 22 2½-pound packages, of frozen corn at Seattle, Wash. Examination showed that the product was sour.

LABEL, IN PART: "Monmouth House Frosted Foods."

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

DISPOSITION: July 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal prison, to be used for animal feed.

10817. Adulteration of cucumber chips and cucumber pickles. U. S. v. 21 Cartons, etc. (F. D. C. No. 19092. Sample No. 3935-H.)

LABEL FILED: February 8, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 25, 1945, by Cosmo Salads, Inc., from Brooklyn, N. Y.

PRODUCT: 21 cartons, each containing 12 1-quart jars, of cucumber chips and 12 cartons, each containing 12 1-quart jars, of cucumber pickles at Lansford, Pa. Examination showed that the products had undergone spoilage.

LABEL, IN PART: "Cosmo Kosher Style Cucumber Chips [or "Pickles"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

Nos. 10818 to 10823 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

10818. Misbranding of canned peas. U. S. v. 1,731 Cases * * *. (F. D. C. No. 19160. Sample Nos. 14116-H, 14131-H.)

LABEL FILED: February 1, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Waupun Canning Co., from Waupun, Wis.

PRODUCT: 1,731 cases, each containing 24 cans, of peas at Nashville, Tenn. The alcohol-insoluble solids of the peas were more than 23.5 percent, and no written agreement existed between the shipper and the consignee as to the labeling of the product. The packer shipped labels reading in part "Early June Peas" in the same car with the peas.

LABEL, IN PART: (Carton) "Alaska Peas Unlabeled."

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it was represented as canned peas, for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear, as required, the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article fell below the standard of quality.

DISPOSITION: February 25, 1946. The Waupun Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10819. Misbranding of canned peas. U. S. v. 45 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18940, 19448, 19449. Sample Nos. 5025-H, 59623-H, 59624-H.)

LIBELS FILED: January 5 and March 20, 1946, Eastern and Western Districts of Pennsylvania.

ALLEGED SHIPMENT: On or about October 9 and November 16 and 19, 1945, by Stokely-Van Camp, Inc., from Norwalk, Ohio, and Trenton, N. J.

PRODUCT: 45 cases at Philadelphia, Pa., 399 cases at Uniontown, Pa., and 500 cases at West Brownsville, Pa. Each case contained 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Glen Valley Brand Sifted Early June Peas * * * Distributed by Jeffersonville Packing Co., Inc., Indianapolis, Ind.," or "Our Favorite Brand Early June Peas * * * Distributed by Fame Canning Company, Inc., * * * Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: March 28 and April 3 and 8, 1946. Stokely-Van Camp, Inc., claimant for the West Brownsville and Uniontown lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the Philadelphia lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10820. Misbranding of canned peas. U. S. v. 481 Cases * * *. (F. D. C. No. 18356. Sample No. 24901-H.)

LIBEL FILED: November 9, 1945, Eastern District of Texas.

ALLEGED SHIPMENT: On or about July 18, 1945, by the Fall River Canning Co., from Janesville, Wis.

PRODUCT: 481 cases, each containing 24 cans, of peas at Beaumont, Tex. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee as to its labeling. It was invoiced as standard peas.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it failed to bear a label containing the common or usual name of the optional ingredient, as required by the definition and standard of identity; and, Section 403 (h) (1), it failed to conform to the standard of quality because of high alcohol-insoluble solids, and it was not labeled to indicate that fact.