

color. Further adulteration, Section 402 (b) (4), acetic acid or distilled vinegar had been mixed and packed with the article so as to reduce its quality and strength; and artificial color had been mixed and packed with the article so as to make it appear to be wine vinegar.

Misbranding, Section 403 (a), the label statement "Wine Vinegar" was false and misleading.

DISPOSITION: November 29, 1946. A plea of guilty having been entered, the defendant was fined \$400.

VEGETABLES AND VEGETABLE PRODUCTS*

12940. Adulteration and misbranding of canned asparagus. U. S. v. 153 Cases
* * *. (F. D. C. No. 24119. Sample No. 8794-K.)

LIBEL FILED: November 24, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 28, 1947, by the J. William Horsey Corporation, from Woodside, Del.

PRODUCT: 153 cases, each containing 6 1-pound, 3-ounce cans, of asparagus at Bronx, N. Y.

LABEL, IN PART: "Apte All green asparagus Cuts Tips Removed * * * J. William Horsey Corporation Tampa 1, Florida."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned asparagus, since it was not sealed in a container and so processed by heat as to prevent spoilage.

DISPOSITION: December 31, 1947. Default decree of condemnation and destruction.

12941. Adulteration of canned pork and beans. U. S. v. Case-Swayne Company, Inc., and Paul W. Case. Pleas of nolo contendere. Corporation fined \$100; Paul W. Case fined \$1. (F. D. C. No. 24080. Sample Nos. 44854-H, 71906-H, 71907-H, 72001-H, 72007-H.)

INFORMATION FILED: March 1, 1948, Southern District of California, against the Case-Swayne Co., Inc., Santa Ana, Calif., and Paul W. Case, president.

ALLEGED SHIPMENT: On or about May 19, 1947, from the State of California into the State of Arizona.

LABEL, IN PART: "Case Swayne Pork and Beans With Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of portions of cooked rat carcass, including rat skin and rodent hairs.

DISPOSITION: March 9, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$100 and the individual defendant was fined \$1.

12942. Adulteration of canned Mexican Style beans. U. S. v. Stokely-VanCamp, Inc. Plea of guilty. Fine, \$350. (F. D. C. No. 23582. Sample No. 76352-H.)

INFORMATION FILED: October 9, 1947, Southern District of Indiana, against Stokely-Van Camp, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: On or about January 23, 1947, from the State of Indiana into the State of Florida.

LABEL, IN PART: "Van Camp's Mexican Style Beans in Chili Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of foreign inedible material, such as rocks, woody plant stalks, and thorny burrs.

DISPOSITION: October 31, 1947. A plea of guilty having been entered, the court imposed a fine of \$350.

12943. Adulteration of canned Mexican Style beans. U. S. v. 265 Cases
(and 2 other seizure actions). (F. D. C. Nos. 23396, 23425, 23761. Sample Nos. 20654-H, 67497-H, 76584-H, 99876-H.)

LIBELS FILED: August 8 and 25, 1947, District of Nebraska and Northern District of Texas.

*See also No. 12985.

ALLEGED SHIPMENT: Between the approximate dates of October 15, 1946, and February 14, 1947, by Stokely-Van Camp, Inc., Indianapolis, Ind.

PRODUCT: Canned Mexican Style beans. 265 cases at Lincoln, Nebr., 139 cases at Dallas, Tex., and 41 cases at Salina, Kans. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Van Camp's Mexican Style Beans in Chili Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained burrs, an added deleterious substance, which may have rendered it injurious to health.

DISPOSITION: September 26, October 8, and December 16, 1947. No claimants having appeared, judgments of condemnation were entered. The Lincoln lot was ordered destroyed, and the Dallas lot was ordered delivered to an institution, for use as stock feed. The Salina lot was ordered delivered to a charitable institution, for use as human food, the institution having been notified of the deleterious substance present and of the necessity for its removal before being used by the inmates.

12944. Misbranding of canned cut green beans. U. S. v. 398 Cases * * *. (F. D. C. No. 24191. Sample Nos. 36139-K, 36913-K.)

LIBEL FILED: December 29, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about November 5, 1947, by Kolstad Canneries, Inc., from Silverton, Oreg.

PRODUCT: 398 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans at Spokane, Wash.

LABEL, IN PART: "Valley Brand Blue Lake Variety Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans, since it contained pods or pieces of pods $\frac{27}{64}$ inch or more in diameter and a larger number of tough strings and a greater proportion of fibrous material than permitted by the standard; and it failed to bear the substandard legend.

DISPOSITION: February 10, 1948. Kolstad Canneries, Inc., Silverton, Oreg., claimant, having consented to the entry of a decree, 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.

12945. Adulteration of canned corn. U. S. v. 307 Cases * * *. (F. D. C. No. 24573. Sample No. 26047-K.)

LIBEL FILED: March 25, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 30, 1947, by the Lakeside Packing Co., from Amery, Wis.

PRODUCT: 307 cases, each containing 24 cans, of corn at St. Louis, Mo.

LABEL, IN PART: "A G Brand Cream Style Golden Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: April 21, 1948. Default decree of condemnation and destruction.

12946. Adulteration of canned okra. U. S. v. 513 Cases * * *. (F. D. C. No. 21001. Sample No. 49816-H.)

LIBEL FILED: On or about September 20, 1946, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 9 and August 1, 1946, by the Alabama Products Canning Co., from Roanoke, Ala.

PRODUCT: 513 cases, each containing 24 1-pound, 3-ounce cans, of cut okra at Pensacola, Fla.

LABEL, IN PART: "Morris Brand Cut Okra."

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

DISPOSITION: November 10, 1947. Hugh L. Morris, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.