

LIBEL FILED: September 13, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 21, 1948, by the Pennsylvania Frosted Foods Co., from Southampton, Pa.

PRODUCT: 129 cases, each containing 24 12-ounce packages, of frozen asparagus at Chicago, Ill.

LABEL, IN PART: "Libby's Frozen Fresh All Green Asparagus Spears."

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 insects.

DISPOSITION: October 5, 1948. Default decree of condemnation and destruction.

13825. Adulteration of frozen asparagus. U. S. v. 26 Cases, etc. (F. D. C. No. 25143. Sample Nos. 5125-K, 5126-K.)

LIBEL FILED: July 28, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 24, 1948, by the Pennsylvania Frosted Foods Co., from New York, N. Y.

PRODUCT: 39 cases, each containing 20 2-pound, 8-ounce packages, of frozen asparagus at Quincy, Mass.

LABEL, IN PART: "Penn Pact Asparagus [or "Jumbo Asparagus"] Spears."

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 insects.

DISPOSITION: September 22, 1948. Default decree of condemnation and destruction.

13826. Adulteration of frozen lima beans. U. S. v. 1,950 Cases * * *. Government's motion to strike and to dismiss intervening petition of third party overruled. Fit portion of product ordered released; remainder condemned and ordered destroyed. (F. D. C. No. 24631. Sample No. 43416-K.)

LIBEL FILED: On or about May 18, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 26, 1948, by Ventura Farms Frozen Foods, Inc., from Oxnard, Calif.

PRODUCT: 1,950 cases, each containing 36 12-ounce packages, of frozen lima beans at Chicago, Ill.

LABEL, IN PART: "Ventura Farms Brand Fordhook Lima Beans."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the product was unfit for food by reason of its disagreeable odor and flavor, rendering it unpalatable.

DISPOSITION: June 7, 1948. Ventura Farms Frozen Foods, Inc., filed an answer, not as owner but as the packer and shipper of the product, alleging that the owner was the Lakeside Fish and Oyster Co., and denying that the product was adulterated at the time it was packed and shipped. On June 10, 1948, the Lakeside Fish & Oyster Co. filed an intervening petition, alleging that it was the buyer and had an interest in the product not as owner but as the holder of a vendee's lien arising out of the rescinded contract of sale. The petitioner alleged that it had a cause of action against the seller for breach of warranty and prayed for judgment and attachment of the product, subject to the rights and claims of the United States of America.

On June 22, 1948, the Government's motion to strike and to dismiss the intervening petition was overruled in the following order of the court: