15785. Adulteration of canned corn. U. S. v. 198 Cases * * *. (F. D. C. No. 28442. Sample No. 72088–K.)

LIBEL FILED: December 14, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 6, 1949, by the Lancaster Canning Co., from Lancaster, Wis.

PRODUCT: 198 cases, each containing 24 1-pound, 4-ounce cans, of corn at Muncie, Ind.

LABEL, IN PART: (Can) "County Seat Brand Cream Style White Sugar 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: March 10, 1950. Default decree of forfeiture and destruction. The amount of the product which was seized under the libel, consisting of 136½ cases, was destroyed in accordance with the terms of the decree.

15786. Misbranding of potatoes. U. S. v. 64 Bags * * *. (F. D. C. No. 28458. Sample No. 4681–K.)

LIBEL FILED: December 5, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 7, 1949, by Vaughn Munson, from East Corinth, Maine.

PRODUCT: 64 50-pound bags of potatoes at Worcester, Mass.

LABEL, IN PART: (Bag) "U. S. No. 1 Size A Moosehead 50 lbs. Maine Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "U. S. No. 1" was false and misleading as applied to an article which was not "U. S. No. 1" grade.

DISPOSITION: January 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15787. Misbranding of canned pumpkin. U. S. v. 895 Cases * * *. (F. D. C. No. 28600. Sample No. 75418–K.)

LIBEL FILED: December 22, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 7, 1949, by the Bitter Root Canning Co., from Hamilton, Mont.

PRODUCT: 895 cases, each containing 6 unlabeled cans, of pumpkin at Denver, Colo.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the product 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 (i) (1), the product failed to bear a label containing the common or usual name of the food. (No valid agreement for relabeling existed between the consignor and consignee.)

DISPOSITION: February 24, 1950. Meyer Levy, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be properly labeled and reprocessed, under the supervision of the Food and Drug Administration. The product was brought into compliance with the law by the segregation and destruction of 158 cases and 2 cans, which were leakers or otherwise abnormal. The remaining cases were relabeled in compliance with the law. (Editor's note: In addition to being misbranded, a portion of the product was decomposed.)