

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the regulations, the name of the optional packing medium present, namely, water.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits, and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** January 25, 1951. Varney Canning, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

### VEGETABLES

**17040. Adulteration of kidney beans. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 29985. Sample No. 92781-K.)**

**LIBEL FILED:** November 6, 1950, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about December 16, 1948, from Chicago, Ill.

**PRODUCT:** 25 cases, each containing 24 2-pound bags, of kidney beans at Nashville, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 20, 1950. Default decree of condemnation and destruction. On January 2, 1951, the decree was amended to set aside the order of destruction and to direct the marshal to deliver the product to a charitable institution, for use as animal feed.

**17041. Adulteration of canned mustard greens. U. S. v. 75 Cases \* \* \*. (F. D. C. No. 30820. Sample No. 86187-K.)**

**LIBEL FILED:** December 11, 1950, District of Arizona.

**ALLEGED SHIPMENT:** On or about June 6, 1950, by L. H. Moore Canning Co., from McAllen, Tex.

**PRODUCT:** 75 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Phoenix, Ariz.

**LABEL, IN PART:** "Moore's Texas Mustard Greens."

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

**DISPOSITION:** February 9, 1951. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**17042. Adulteration and misbranding of canned tomatoes. U. S. v. 373 Cases \* \* \*. (F. D. C. No. 30309. Sample No. 70298-K.)**

**LIBEL FILED:** November 29, 1950, District of Kansas.

**ALLEGED SHIPMENT:** On or about September 14, 1950, by the Rush Canning Co., from Washburn, Mo.

**PRODUCT:** 373 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Coffeyville, Kans.