

17876. Misbranding of frozen strawberries. U. S. v. Stilwell Canning Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31115. Sample No. 70421-K.)

INFORMATION FILED: August 13, 1951, Eastern District of Oklahoma, against the Stilwell Canning Co., a corporation, Stilwell, Okla.

ALLEGED SHIPMENT: On or about May 8, 1950, from the State of Oklahoma into the State of Missouri.

LABEL, IN PART: (Package) "Stilwell Fresh Frozen Strawberries Sliced With Sugar Stilwell Canning Company, Stilwell, Oklahoma Net Weight 1 pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the packages contained less than 1 pound, the declared weight.

DISPOSITION: December 5, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

VEGETABLES

17877. Misbranding of canned peas. U. S. v. 269 Cases * * *. (F. D. C. No. 31625. Sample No. 24042-L.)

LIBEL FILED: August 14, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 27, 1951, by Thomas Roberts & Co., from Ridgely, Md.

PRODUCT: 269 cases, each containing 6 6-pound, 9-ounce cans, of peas at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Q and E Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas since the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: September 19, 1951. Thomas Roberts & Co., Philadelphia, Pa., 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 for relabeling under the supervision of the Federal Security Agency.

17878. Adulteration of canned spinach. U. S. v. 99 Cases * * *. (F. D. C. No. 31643. Sample No. 28423-L.)

LIBEL FILED: August 27, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 20, 1951, by Fairview Packing Co., Inc., from Hollister, Calif.

PRODUCT: 99 cases, each containing 24 1-pound, 11-ounce cans, of spinach at New Hyde Park, N. Y.

LABEL, IN PART: (Can) "Heart O'Quality Brand Spinach."

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: November 14, 1951. Default decree of condemnation and destruction.