

VEGETABLES

18882. Adulteration of mung beans. U. S. v. 240 Bags * * *. (F. D. C. No. 32868. Sample No. 27442-L.)

LIBEL FILED: March 12, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about December 15, 1951, from Vernon, Tex.

PRODUCT: 240 100-pound bags of mung beans at Oakland, Calif., in possession of the Nanking Noodle Co.

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 rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. The Nanking Noodle Factory, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the unfit portion of the beans be segregated for use as animal feed, or seed, under the supervision of the Food and Drug Administration. Of the 20,000 pounds which were seized, 16,550 pounds were salvaged and 3,450 pounds were destroyed.

18883. Adulteration of canned kale. U. S. v. 24 Cases, etc. (F. D. C. No. 32864. Sample Nos. 34608-L, 34609-L.)

LIBEL FILED: March 11, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 18, 1951, by the Alma Canning Co., from Alma, Ark.

PRODUCT: Kale. 24 cases, each containing 6 unlabeled No. 10 cans, and 1 case, containing 24 1-pound cans, at St. Louis, Mo.

LABEL, IN PART: (Portion) "American Lady Kale."

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.

DISPOSITION: April 7, 1952. Default decree of condemnation and destruction.

18884. Misbranding of canned peas. U. S. v. 128 Cases * * *. (F. D. C. No. 33389. Sample No. 14990-L.)

LIBEL FILED: June 20, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about April 3, 1952, by the Fresh Canning Co., from Spiro, Okla.

PRODUCT: 128 cases, each containing 48 15-ounce cans, of peas at Hastings, Nebr.

LABEL, IN PART: (Can) "Baby Shug Alaska Variety Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient present in the article since the definition and standard provides that the label for canned peas shall name the optional pea ingredient in the article by use of the words "Dried Early," "Dried June," or "Dried Early June," and that such words shall immediately and conspicuously precede or follow the name of the optional pea ingredient present in the article, without intervening written, printed, or graphic matter.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of high alcohol-insoluble solids, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: July 24, 1952. The Fresh Canning Co., 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 brought into compliance with the law, under the supervision of the Federal Security Agency.

TOMATOES AND TOMATO PRODUCTS

18885. Adulteration of canned tomatoes. U. S. v. 196 Cases * * *. (F. D. C. No. 32873. Sample No. 22280-L.)

LIBEL FILED: March 13, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 28, 1951, from Naples, Italy.

PRODUCT: 196 cases, each containing 48 1-pound, 1-ounce cans, of tomatoes at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination showed that it was undergoing progressive decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 15, 1952. Default decree of condemnation and destruction.

18886. Misbranding of canned tomatoes. U. S. v. 526 Cases * * *. (F. D. C. No. 33006. Sample Nos. 1790-L, 2391-L, 2392-L.)

LIBEL FILED: April 10, 1952, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 16 and 25, 1951, and February 1, 1952, by R. I. Lednum & Co., from Pocomoke, Md.

PRODUCT: 526 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "Tulip Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: May 22, 1952. R. I. Lednum & Co., 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.

18887. Adulteration of tomato catsup. U. S. v. 825 Cases * * *. (F. D. C. No. 32949. Sample No. 17991-L.)

LIBEL FILED: March 14, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about February 12, 1952, by J. R. Barry & Co., from Los Angeles, Calif.

PRODUCT: 825 cases, each containing 24 14-ounce bottles, of tomato catsup at Carlstadt, N. J.

LABEL, IN PART: "Fresh Pak Brand Tomato Catsup."