

DISPOSITION: October 1, 1952. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200.

FRUITS AND VEGETABLES

FROZEN FRUIT

19476. Misbranding of frozen peaches. U. S. v. 498 Cases * * *. (F. D. C. No. 33996. Sample No. 33823-L.)

LABEL FILED: October 8, 1952, Western District of Michigan.

ALLEGED SHIPMENT: On or about September 14, 1952, by the Winter Garden Co., from Knoxville, Tenn.

PRODUCT: 498 cases, each containing 24 cans, of frozen peaches at Grand Rapids, Mich.

LABEL, IN PART: "Winter Garden Frozen Sliced with Syrup Peaches Net Wt. 10½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since the cans could hold more peaches than were contained therein; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 10½ Ozs." was inaccurate (the article was short of the declared weight).

DISPOSITION: November 3, 1952. The Winter Garden Co., Knoxville, Tenn., 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 and relabeled, under the supervision of the Federal Security Agency.

19477. Adulteration of frozen strawberries. U. S. v. 346 Cases * * *. (F. D. C. No. 34075. Sample No. 13943-L.)

LABEL FILED: September 29, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about August 11, 1952, by the Northwest Cold Pack Co., from Seattle, Wash.

PRODUCT: 346 cases, each containing 4 10-pound cartons, of frozen strawberries at Denver, Colo.

LABEL, IN PART: "Camano Brand Sliced Marshall Strawberries * * * Packed By Twin City Foods, Inc. Stanwood, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: November 18, 1952. Decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

19478. Adulteration and misbranding of canned white kidney beans. U. S. v. D. E. Foote & Co., Inc., Vernon S. Crawford, and Charles W. St. Clair. Pleas of guilty. Fine of \$500, plus costs, against corporation and fine of \$100 against each individual. (F. D. C. No. 33821. Sample Nos. 6382-L, 38512-L.)

INFORMATION FILED: November 17, 1952, District of Maryland, against D. E. Foote & Co., Inc., Baltimore, Md., and Vernon S. Crawford and Charles W. St. Clair, president and vice president, respectively, of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of October 31, 1951, and February 5, 1952, from the State of Maryland into the States of New York and Massachusetts.

LABEL, IN PART: (Can) "Torino Brand White Kidney Beans Cannellini" or "Flavor Pack Family Brand White Kidney Beans Cannellini Cotti."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a variety of beans other than white kidney had been substituted for white kidney beans or cannellini.

Misbranding, Section 403 (a), the label statements "Cannellini * * * White Kidney Beans" were false and misleading since the product was a variety of beans other than cannellini or white kidney beans.

DISPOSITION: February 20, 1953. Pleas of guilty having been entered, the court imposed a fine of \$500, plus costs, against the corporation and a fine of \$100 against each of the individuals.

19479. Adulteration and misbranding of canned lima beans. U. S. v. 99 Cases * * *. (F. D. C. No. 34066. Sample No. 56512-L.)

LABEL FILED: September 26, 1952, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about January 16 and 30, 1952, by the Fresh Canning Co., Inc., from Spiro, Okla.

PRODUCT: 99 cases, each containing 48 15-ounce cans, of lima beans at Nashville, Tenn.

LABEL, IN PART: "Baby Shug Green and White Baby Lima Beans."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried soaked lima beans had been substituted for canned lima beans.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned lima beans since the standard provides that the vegetable ingredient is obtained by proper preparation from the succulent vegetable, whereas the article was prepared from dried soaked lima beans.

DISPOSITION: October 27, 1952. Fresh Canning Co., Inc., 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.

19480. Adulteration of canned spinach. U. S. v. 596 Cases * * *. (F. D. C. No. 33659. Sample No. 14926-L.)

LABEL FILED: On or about August 26, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 9 and 18, 1952, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 596 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Kansas City, Mo.

LABEL, IN PART: (Can) "The Allens Brand * * * Spinach."