

Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Finast Brand Fancy Fruit Cocktail * * * Net Weight 1 Lb. 1 Oz. First National Stores Inc. Distributors Somerville, Mass."

The article was alleged to be misbranded in that the label statement "Fancy" was false and misleading as applied to an article that was not Fancy because it contained numerous pieces of peach and pear material of very irregular size, units which were blemished because of bruises and attached peel, and crushed grapes and grapes with cap stems.

On February 3, 1942, First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

CANNED VEGETABLES

Nos. 3314 to 3316 report the seizure and disposition of canned green beans that were not of Fancy quality, as labeled, because the beans were too mature.

3314. Misbranding of canned green beans. U. S. v. 799 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6708. Sample No. 90413-E.)

On January 19, 1942, the United States attorney for the District of Rhode Island filed a libel against 799 cases, each containing 24 No. 2 cans, of green beans at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 1, 1941, by the Fuller Canneries Co. from South Dayton, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Richmond Brand Fancy Cut Green Beans First National Stores Inc. Distributors Somerville, Mass."

The article was alleged to be misbranded in that the label statement "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of overmaturity.

On February 26, 1942, First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3315. Misbranding of canned string beans. U. S. v. 25 Cases of Stringless Beans. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6249. Sample No. 84609-E.)

On November 22, 1941, the United States attorney for the Southern District of New York filed a libel against 25 cases, each containing 24 No. 2 cans, of stringless beans at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 19, 1941, by National Retailer-Owned Grocers, Inc., from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Shurfine Fancy Grade French Style Stringless Beans."

The article was alleged to be misbranded in that the term "Fancy Grade" was false and misleading as applied to an article that was not of Fancy quality because the beans were overmature and mealy and the pods were fibrous.

On January 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for its own use and not for sale.

3316. Misbranding of canned green beans. U. S. v. 84 Cases of Canned Green Beans. Product adjudged misbranded and ordered released under bond to be relabeled. (F. D. C. No. 6796. Sample No. 80155-E.)

On January 30, 1942, the United States attorney for the Northern District of Ohio filed a libel against 84 cases, each containing 24 No. 2 cans, of green beans at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 15 and December 16, 1941, by Silver Creek Preserving Corporation from Silver Creek, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Cleveland Eagle Fancy Cut Green Beans—Packed for the Eagle Wholesale Grocery Co., Cleveland, O."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because the beans were too mature.

On March 5, 1942, Silver Creek Preserving Corporation, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.