On February 5, 1942, the United States attorney for the Northern District of Ohio filed a libel against 329 cases of canned peas at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 2 and November 14, 1941, by Comstock Canning Corporation from Newark, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading. The article was labeled in part: "Weideman Boy Brand Fancy Sweet Peas The Weideman Co. Distributors Cleveland, O."

On March 8, 1942, Comstock Canning Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3339. Misbranding of canned mushrooms. U. S. v. 98 Cases of Canned Mushrooms. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 6673. Sample No. 73088–E.)

This product was not of Fancy grade, as labeled, because of the presence of blemished pieces of mushroom.

On or about January 20, 1942, the United States attorney for the Western District of Missouri filed a libel against 98 cases, each containing 24 cans, of mushrooms at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by Indiana Mushroom Corporation from Niles, Mich.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 2 Oz. Avd. Shurfine Fancy Grade Sliced Button Mushrooms National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

The article was alleged to be misbranded in that the label statement "Fancy Grade" was false and misleading because of the presence of blemished pieces of mushroom consisting of slices with black areas or spots and dark gills.

On March 10, 1942, Indiana Mushroom Corporation having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was relabeled.

3340. Misbranding of canned spinach. U. S. v. 148 and 198 Cases of Spinach. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6720, 6722. Sample Nos. 23558–E, 23556–E.)

This product was not of Fancy quality because of the presence of yellow leaves, excessive stems, and various extraneous materials such as grass, weeds, straw, and sand or grit.

On January 16 and 17, 1942, the United States attorneys for the Eastern District of Michigan and the Eastern District of New York filed libels against 148 cases of spinach at Detroit, Mich., and 198 cases of spinach at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 19 and 27, 1941, A. M. Beebe or A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: (Cans) "Aunt Nellie's Fancy Spinach * * * Distributed by C. B. Geymann, Detroit, Mich."; or "Dixie Lou Fancy Spinach * * * Packed for A. M. Beebe Co., San Francisco."

On February 16 and March 3, 1942, Flotill Products, Inc., Stockton, Calif., claimant for the lot seized at Detroit, Mich., and A. M. Beebe Co., Inc., San Francisco, Calif., claimant for the lot seized at Brooklyn, N. Y., having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

3341. Misbranding of canned spinach. U. S. v. 749 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6726. Sample No. 90415–E.)

Examination showed that this product was not of Fancy quality, as labeled.

On January 19, 1942, the United States attorney for the District of Rhode Island filed a libel against 749 cases, each containing 24 cans, of spinach at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about December 11, 1941, by Deerfield Packing Corporation from Bridgeton, N. J.; and charging that it was misbranded. It was labeled in part: (Cans) "Finast Brand Fancy Spinach Net Weight 1 Lb. 11 Oz. First National Stores Inc. Distributors Somerville, Mass."