

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1942, by the Hadad Canning Co. from Aldine, N. J., and charging that it was misbranded. The article was unlabeled.

It was alleged to be misbranded (1) (a) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and (b) did not bear a label containing an accurate statement of the quantity of the contents; (2) in that it purported to be and was represented on the invoice as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and it failed to bear a label containing the name of the food specified in such definition and standard; (3) in that it purported to be and was represented on the invoice as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard with respect to uniformity of size, freedom from blemishes, and trim, since (a) the weight of the largest pear unit in the container was more than twice the weight of the smallest unit therein, (b) more than 20 percent of the units in the container were blemished with discoloration, and (c) all units were not untrimmed or so trimmed as to preserve normal shape; and (4) in that it purported to be and was represented on the invoice as a food for which a standard of fill of container had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since there was not present in the container the maximum quantity of the pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as required by the standard; and its label failed to bear, since it was unlabeled, in such manner and form as such regulations specify, a statement that it fell below the standards of quality and fill of container.

On December 23, 1942, the Hadad Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4409. Adulteration of canned raspberries. U. S. v. 48 Cartons of Canned Raspberries. Default decree of condemnation and destruction. (F. D. C. No. 8678. Sample Nos. 21241-F, 21242-F.)

This product contained moldy berries.

On November 4, 1942, the United States attorney for the Northern District of Pennsylvania filed a libel against 48 cartons, each carton containing 6 No. 10 cans, of raspberries at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the Helen Packing Corporation, North Collins, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Clef Brand * * * Columbian [or "Black"] Raspberries."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

4410. Adulteration and misbranding of canned asparagus. U. S. v. 97 Cases and 97 Cases of Canned Asparagus. Default decrees of condemnation and destruction. (F. D. C. Nos. 8078, 8079. Sample Nos. 7194-F, 7195-F.)

This product consisted of the extreme lower ends of the asparagus stalk and many pieces were poorly cleaned, showing dirt and rust.

On August 8, 1942, the United States attorney for the Eastern District of Missouri filed libels against 194 cases, each containing 6 No. 10 cans, of asparagus at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 22, 1942, by Parrott & Co., of San Francisco, Calif., from Oakland Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Fairplay Brand White Cuts - Tips Removed Asparagus."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, or was otherwise unfit for food, and in that the lower inedible portions of asparagus sprouts had been substituted in whole or in part for edible asparagus.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it did not consist of the edible portions of the sprouts of the asparagus plant.

On December 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.