

**5033. Adulteration of canned cut green beans. U. S. v. 360 Cases of Canned Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 8689. Sample No. 8052-F.)**

Examination showed this product was underprocessed and in part decomposed.

On or about November 6, 1942, the United States attorney for the Western District of Missouri filed a libel against 360 cases, each containing 6 No. 10 cans, of cut green beans at Springfield, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 5 to 14, 1942, by the Arkansas Valley Canning Co. from Van Buren, Ark.; 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: (Cans) "Virginia Lee Brand Cut Green Beans."

On April 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5034. Adulteration of canned mustard greens, cut green beans, and spinach. U. S. v. 122 Cases of Mustard Greens, 268 Cases of Cut Green Beans, and 119 Cases of Spinach. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9581. Sample Nos. 9738-F to 9740-F, incl.)**

On March 20, 1943, the United States attorney for the Western District of Louisiana filed a libel against 122 cases of mustard greens, 268 cases of cut green beans, and 119 cases of spinach at Ruston, La., alleging that the articles had been shipped in interstate commerce on or about January 22, 1943, by the Ozark Packing Co., Inc., from Ozark, Ark.; and charging that they were adulterated in that they were under-processed and decomposed. The articles were labeled in part: "Pride of Ozark Brand Mustard Greens [or "Cut Green Beans"]," or "Sailor Girl Brand Spinach."

On July 10, 1943, the Ozark Packing Co., Inc., having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**5035. Adulteration of canned spinach. U. S. v. 225 Cases of Canned Spinach (and 11 additional seizure actions against canned spinach). Decrees of condemnation. Two of the lots ordered released under bond for segregation of the fit from the unfit portion, and destruction of the latter; remaining lots ordered destroyed. (F. D. C. Nos. 9533 to 9542, incl., 9907, 9908, 10058, 10059. Sample Nos. 5657-F to 5660-F, incl., 5780-F, 5781-F, 6448-F, 6592-F, 32070-F to 32073-F, incl., 48025-F, 48026-F.)**

Examination showed this product to be under-processed and undergoing progressive spoilage.

Between March 13 and June 5, 1943, the United States attorneys for the Eastern District of Missouri and the Southern District of Ohio filed libels against 1,282 cases of canned spinach at St. Louis, Mo., and 2,745 cases of canned spinach at Cincinnati, Ohio, which had been shipped in interstate commerce within the period from on or about December 21, 1942, to January 18, 1943, alleging that the article had been shipped by the Ozark Canning Co. from Ozark, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: "Pride of Ozark Brand Spinach," or "Ozark Brand Spinach."

On July 17, 1943, the Ozark Canning Co. having appeared as claimant for two of the lots located at Cincinnati, Ohio, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit from the unfit portion and destruction of the unfit portion. Between May 14 and July 24, 1943, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**5036. Adulteration of canned okra. U. S. v. 474 Cases of Okra (and 9 additional seizure actions against okra). Default decrees of condemnation. (F. D. C. Nos. 9131, 9262, 9471, 9473, 9505, 9523, 9588, 9927, 10006. Sample Nos. 3036-F, 3037-F, 3574-F, 8941-F, 8943-F, 8962-F, 8963-F, 9029-F, 9477-F, 9809-F to 9811-F, incl., 9813-F, 10367-F.)**

This product was in whole or in part sour and decomposed.

Within the period from on or about January 27 and May 28, 1943, the United States attorneys for the Northern District of Texas, the Southern District of Texas, the Western District of Texas, the Eastern District of Oklahoma, and the Western District of Missouri filed libels against 474 cases of canned okra at Dallas, Tex., 119 cases at Houston, Tex., 262 cases at Kansas City, Mo., 48 cases at Muskogee, Okla., 135 cases at El Paso, Tex., 255 cases at Houston, Tex., and 47 cases at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about August 5, 1941, to November 12, 1942, by the Pine

Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance rendering it unfit for human consumption. The article was labeled in part: "Pine Grove Brand Cut Okra," "Creole Maid Brand Cut Okra" or "Gulf Bend Brand Cut Okra."

Between April 3 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On August 11, 1943, the decree entered in the case covering the lot located at Fort Worth, Tex., was amended providing for the use of the product as hog feed.

**5037. Adulteration of sauerkraut. U. S. v. 1,500 Cases of Sauerkraut (and 2 additional seizure actions against sauerkraut). Consent decrees of condemnation. Product ordered released under bond for reconditioning or relabeling.** (F. D. C. Nos. 9132, 9709, 9817. Sample Nos. 24165-F, 24179-F, 30961-F, 31131-F.)

Between January 5 and April 19, 1943, the United States attorneys for the District of Columbia, the Western District of Washington, and the District of Oregon filed libels against 1,500 cases, each containing 12 jars, of sauerkraut at Washington, D. C., 170 cases of sauerkraut at Seattle, Wash., and 690 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about December 20, 1942, to January 15, 1943, by the Goldsmith Pickle Co. from Chicago, Ill.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be. The article was labeled in part: (Jars) "Goldsmith Brand Sauerkraut," or "Champion Brand \* \* \* Packed By Western Pickle Co., Chicago, Ill."

Between January 18 and June 8, 1943, the following claimants having appeared: The Goldsmith Pickle Co. for the lot at Washington, D. C., the Western Pickle Co., for the lot Seattle, Wash., and Wadhams & Co., Portland, Oreg., for the lot at Portland, Oreg., and all three claimants having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reconditioning by repacking or relabeling, under the supervision of the Food and Drug Administration.

**5038. Misbranding of canned peas. U. S. v. 412 Cases of Canned Peas (and 5 additional seizure actions against canned peas.) Decrees of condemnation with provision for release under bond for relabeling.** (F. D. C. Nos. 8370, 8391, 8392, 8841, 8859, 9112, Sample Nos. 2721-F, 4373-F, 4387-F, 4762-F, 4763-F, 32001-F.)

On or about September 16 and 22, November 7, 1942, and January 2, 1943, the United States attorneys for the Western District of Missouri, the Eastern and Western Districts of Kentucky, and the Eastern and Middle Districts of Tennessee filed libels against 412 cases of canned peas at North Kansas City, Mo., 1,582½ cases at Louisville, Ky., 277 cases at East Bernstadt, Ky., 127 cases at Lafayette, Tenn., and 131 cases at Clarksville, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to August 26, 1942, by the Morgan Packing Co. from Franklin and Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. [or "American Beauty," or "Royal Crown"] Garden Run Early June Peas," or "Leota Belle \* \* \* Early June Peas \* \* \* Packed by Franklin Packing Co. Franklin, Ind."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

The Morgan Packing Co. appeared as claimant in each action and admitted the allegations of the libels. On November 5, 1942, decrees were entered in the Western District of Kentucky ordering the release, for relabeling in compliance with the law, of the product seized at Louisville. On November 19 and 20, and December 14, 1942, and January 21, 1943, judgments of condemnation were entered in the remaining actions and the product was ordered released under bond, conditioned that it be relabeled.

**5039. Misbranding of canned peas. U. S. v. 251 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 9521. Sample No. 36899-F.)

On March 9, 1943, the United States attorney for the District of Baltimore filed a libel against 251 cases, each containing 24 cans, of peas at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about June 30 and August 18, 1942, by Burgoon & Yingling from Gettysburg, Pa.; and charging that it was misbranded. The article was labeled in part: (Cans) "National Park Brand No. 4-Sieve Early June Peas."