

alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by the Clyman Canning Co. from Clyman, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Aunt Nellies Sliced Beets Salt and Vinegar Added Contents 1 Lb. 11 Oz."

It was alleged to be adulterated in that excessive packing medium had been substituted in whole or in part for beets. It was alleged to be misbranded in that its container was so filled as to be misleading, since several ounces more of sliced beets could be packed in the jars, and this slack-filling was not apparent to the purchaser because of the dark color of the packing medium.

On September 29, 1943, no claimant having appeared, judgment was entered nunc pro tunc as of September 10, 1943, condemning the product and ordering that it be delivered to the Veterans' Administration to be used by that Administration and not sold.

5522. Misbranding of cabbage. U. S. v. James N. Barron, William E. Garland and William H. Russum (Produce Exchange). Pleas of nolo contendere. Fine of \$25 with respect to each individual. (F. D. C. No. 9690. Sample Nos. 6663-F, 6688-F.)

On September 10, 1943, the United States attorney for the Southern District of Mississippi filed an information against James N. Barron, William E. Garland, and William H. Russum, trading as the Produce Exchange at Crystal Springs, Miss., alleging shipment on or about May 11 and 13, 1943, from the State of Mississippi into the State of Tennessee of quantities of cabbage that was misbranded. The article was labeled in part: (Bags) "50 lbs. Net * * * Uniform Brand Round Type Cabbage," or "Victory Brand 50 Lbs. Net Selected Mississippi Round Type Cabbage * * * Distributed By Crystal Produce Co. Crystal Springs, Miss."

It was alleged to be misbranded (1) in that the statement "50 Lbs. Net," borne on the bags, was false and misleading since the weight of the contents of the bags was less than 50 pounds net; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 3, 1944, pleas of nolo contendere having been entered, the court imposed a fine of \$25 upon each individual defendant.

5523. Adulteration of canned corn. U. S. v. 222 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10423. Sample No. 37278-F.)

On August 16, 1943, the United States attorney for the District of Maryland filed a libel against 222 cases, each containing 24 cans, of corn at Salisbury, Md., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by Howard E. Jones & Co. from Oxford, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence therein of sour and fermented corn. The article was labeled in part: (Can) "Realm Cream Style White Sweet Corn * * * Nationally Distributed by Household Products Co. General Offices, Chicago."

On September 27, 1943, the New Oxford Canning Co., New Oxford, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

5524. Misbranding of canned peas. U. S. v. 196 Cases and 557 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10719, 10946. Sample Nos. 23743-F, 25384-F, 25385-F.)

On September 9 and October 15, 1943, the United States attorneys for the Eastern District of Pennsylvania and the District of Columbia filed libels against 196 cases of canned peas at Lancaster, Pa., and 557 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 15 and September 7, 1943, by Thomas & Co., from Gaithersburg, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Thomas Brand Early June Peas."

The article 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 regulations promulgated pursuant to law, but its quality fell below such standard