

**PRODUCT:** 60 100-pound sacks, 300 86-pound sacks, and 475 65-pound sacks of apple pomace at Baltimore, Md.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

**DISPOSITION:** June 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. By amended decree of June 8, 1945, the product was ordered delivered to a local hospital, for use as animal feed or fertilizer.

#### VEGETABLES

**8430. Misbranding of canned asparagus cuts and canned asparagus spears. U. S. v. 198 Cases and 99 Cases of Asparagus Cuts and 56 Cases of Asparagus Spears. Portions of products ordered released under bond; remainder ordered forfeited and delivered to charitable institutions. (F. D. C. Nos. 13763, 13939, 15014. Sample Nos. 73431-F, 73450-F, 74549-F, 74550-F, 27201-H, 27202-H.)**

**LIBELS FILED:** Between October 2, 1944, and January 24, 1945, Eastern District of Washington, Southern District of Indiana, and District of South Dakota.

**ALLEGED SHIPMENT:** Between the approximate dates of September 18, 1943, and September 15, 1944, by the Hunt Brothers Packing Co., Hayward, Calif.

**PRODUCT:** 198 cases at Indianapolis, Ind., and 99 cases at Sioux Falls, S. Dak., each case containing 24 1-pound, 3-ounce cans of asparagus cuts; and 56 cases, each containing 24 1-pound, 3-ounce cans, of asparagus spears at Spokane, Wash. Examination showed that the asparagus cuts were not fancy because they were, in large part, tough, with pronounced fibrous development; and that the spears were not fancy quality because they contained excessive fibrous material.

**LABEL, IN PART:** "Val Vita Brand Fancy California Asparagus Cuts Tips Removed," or "Hunts Supreme Quality Fancy Small [or "Blended"] California Green Tipped and White Asparagus Spears."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the label statements, "Fancy California Asparagus Cuts Tips Removed," "Fancy Small California Green Tipped and White Asparagus Spears," and "Blended California Green Tipped and White Asparagus Spears," were false and misleading as applied to the articles.

**DISPOSITION:** The Hunt Brothers Packing Co. appeared as claimant for the Spokane and Sioux Falls lots. No claim was presented for the Indianapolis lot. On November 6 and 28, 1944, and March 22, 1945, judgments were entered in the respective cases as follows: The Spokane lot was ordered released under bond for relabeling; the Sioux Falls lot was condemned, and likewise ordered released under bond; and the Indianapolis lot was ordered forfeited and destroyed. On November 30, 1944, an amended decree was entered ordering the Indianapolis lot delivered to charitable institutions.

**8431. Adulteration of cranberry beans. U. S. v. 25 Bags of Cranberry Beans. Default decree of condemnation and destruction. (F. D. C. No. 15092. Sample No. 501-H.)**

**LIBEL FILED:** January 25, 1945, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 21, 1943, from Grand Rapids, Mich.

**PRODUCT:** 25 100-pound bags of cranberry beans at Atlanta, Ga., in the possession of the Atlantic Company Coldstorage. This product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent urine.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8432. Misbranding of canned green beans. U. S. v. 1,988 Cases of Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14961. Sample No. 83374-F.)**

**LIBEL FILED:** January 9, 1945, Eastern District of Washington.