

8937. Adulteration of canned corn. U. S. v. 600 Cases of Canned Corn (and 3 other seizure actions against canned corn). Default decrees of condemnation and destruction. (F. D. C. Nos. 14711 to 14713, incl., 14784. Sample Nos. 71582-F, 74687-F, 74688-F, 83889-F.)

LIBELS FILED: December 6 and 27, 1944, Eastern and Western Districts of Washington.

ALLEGED SHIPMENT: On or about August 7 and 11, 1944, by the Sterling Canning Co., from Sterling, Ill.

PRODUCT: 895 cases and 600 cases, each containing 24 1-pound, 4-ounce cans, of corn at Seattle and Walla Walla, Wash., respectively.

LABEL, IN PART: "Nation's Garden Brand Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 28 and June 7, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8938. Misbranding of canned sautéed mushrooms. U. S. v. 77 Cases of Sautéed Mushrooms. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15630. Sample No. 22630-H.)

LIBEL FILED: March 14, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 6, 1944, by the Royal Dutch Products Corporation, from New York, N. Y.

PRODUCT: 77 cases, each containing 48 cans, of sautéed mushrooms at St. Louis, Mo. Examination showed that the product consisted of a thick sauce containing about 10 percent by weight of mushrooms, whereas it is understood that sautéed mushrooms have been fried lightly in fat.

LABEL, IN PART: "Royal Dutch Sauté Holland Style Mushrooms in Sauce * * * prepared from Fresh Mushrooms, Mushroom Juice, Dried Mushrooms, Protein Flour, Oleo Stock, Hydrolyzed Vegetable Protein, Flavoring and Spices."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Sautéed Mushrooms," was misleading as applied to a product which did not consist of mushrooms fried lightly in fat, but which consisted of a sauce containing only a small amount of mushrooms; Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient, since "Protein Flour" and "Oleo Stock" are not common or usual names of products; and, Section 403 (k), the mushrooms contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: April 7, 1945. The General Grocer Co., a corporation, claimant, having admitted the allegations of the libel, 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.

Nos. 8939 to 8946 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

8939. Alleged misbranding of canned peas. U. S. v. Lord-Mott Co., Inc. Plea of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 11368. Sample Nos. 1594-F, 52892-F.)

INFORMATION FILED: March 7, 1944, District of Maryland, against the Lord-Mott Co., Inc., Baltimore, Md.; charging that the defendants shipped a quantity of canned peas on or about July 1, 1943, from the State of Maryland into the State of Illinois. The information further charged that on or about July 22, 1943, the defendant sold and delivered a quantity of canned peas to H. M. Wagner & Co., Inc., Baltimore, Md.; that in connection with the sale and delivery of the product, the defendant gave the purchaser a guaranty to the effect that the product so sold complied with the Federal Food, Drug, and Cosmetic Act; and that on or about July 26, 1943, the purchaser shipped the peas, which were sold and guaranteed by the defendant, from the State of Maryland into the State of Virginia.