

10632. Adulteration of olives. U. S. v. 21 Barrels * * *. (F. D. C. No. 16961. Sample No. 29643-H.)

LABEL FILED: On or about August 4, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 22, 1945, by the Copa Sales Co., from Fresno, Calif.

PRODUCT: 21 100-pound barrels of olives at Cleveland, Ohio. Examination showed the presence of moldy olives.

LABEL, IN PART: "Stoma Reg. Brand Olives Oil Coated Greek Style."

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

DISPOSITION: March 21, 1946. The Copa Sales Co., shipper of the olives, and the Liberty Cash and Carry Co., Cleveland, Ohio, consignee, having appeared as claimants and having filed answers denying the adulteration of the product, but having failed to pursue the matter further, and the court having found the product to be adulterated, judgment of condemnation was entered and the olives were ordered destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

10633. Adulteration of frozen asparagus. U. S. v. 555 Cases * * *. (F. D. C. No. 18155. Sample No. 32265-H.)

LABEL FILED: October 16, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about September 6, 1945, by Port of Olympia, from Olympia, Wash.

PRODUCT: 555 cases, each containing 12 2-pound cartons, of frozen asparagus at Phoenix, Ariz.

LABEL, IN PART: "Moonwinks Brand Asparagus Cuts and Tips Packed by Midfield Packers Olympia, Wash."

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

DISPOSITION: December 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10634. Misbranding of canned corn. U. S. v. Blair Packing Corporation and Wallace W. Evans. Pleas of nolo contendere. Fines of \$1,000 against the corporate defendant and \$500 against the individual defendant. (F. D. C. No. 17869. Sample No. 28009-H.)

INFORMATION FILED: June 17, 1946, Western District of Wisconsin, against the Blair Packing Corporation, Blair, Wis., and Wallace W. Evans, vice president and general manager.

ALLEGED SHIPMENT: On or about January 10, 1945, from the State of Wisconsin into the State of Washington.

LABEL, IN PART: "Stand By Fancy Whole Kernel Golden Sweet Corn * * * Packed For Fine Foods, Inc., Seattle, Washington, Minneapolis, Minnesota."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Whole Kernel Golden Sweet Corn" was false and misleading. The statement represented and suggested that the article consisted of whole kernel golden corn of the quality known to the trade and consuming public as "Fancy," whereas the article did not consist of "Fancy" whole kernel golden corn.

DISPOSITION: October 15, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed fines of \$1,000 against the corporate defendant and \$500 against the individual defendant.

10635. Adulteration of canned peas. U. S. v. 348 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 18519, 19454, 19455, 20407. Sample Nos. 1630-H, 5045-H to 5047-H, incl., 18786-H, 23697-H.)

LIBELS FILED: December 1, 1945, and March 22 and 28 and July 18, 1946, Western District of Louisiana, District of Minnesota, and Eastern Districts of Pennsylvania and South Carolina. The South Carolina libel was subsequently amended to charge the seizure of an additional amount.

ALLEGED SHIPMENT: Between the approximate dates of September 4, 1945, and January 28, 1946, by the Antigo Canning Factory, from Antigo, Wis.

PRODUCT: Canned peas. 54 cases at Shreveport, La., 348 cases at Winona, Minn., 1,551 cases at Philadelphia, Pa., and 661 cases at Charleston, S. C. Each case contained 24 cans of peas. Examination showed that one lot was sour and decomposed and that the other lots were undergoing decomposition.

LABEL, IN PART: (Portions) "Vita-Pak Brand Sweet Peas," "Ken-Dawn Sweet Peas," or "Pantry Pride Sweet [or "Jumbo Sweet," or "Tiny Early"], Peas."

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

DISPOSITION: May 14 and 28, June 4, and November 5, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10636. Adulteration of canned peas. U. S. v. 298 Cases of Cream Peas (and 11 other seizure actions against black-eyed peas and purple hull peas). (F. D. C. Nos. 18124, 18125, 18498, 18533 to 18537, incl., 18734 to 18737, incl. Sample Nos. 23617-H, 23618-H, 25025-H to 25028-H, incl., 25030-H to 25034-H, incl., 25206-H.)

LIBELS FILED: Between November 16 and December 28, 1945, Eastern and Western Districts of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of July 6 and October 2, 1945, by the Mallory Canning Co., Grapeland, Tex.

PRODUCT: 298 cases of cream peas, 1,799 cases of black-eyed peas, and 966 cases of purple hull peas, in various lots, at West Monroe, Haynesville, Shreveport, Mansfield, Hodge, De Ridder, Lake Charles, Church Point, and Clinton, La.

LABEL, IN PART: "Grapeland Fresh Green Shelled Purple Hull [or "Fresh Shelled Cream," or "Fresh Green Shelled Black-Eyed"] Peas."

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

DISPOSITION: On April 1, 1946, no claimant having appeared for the Clinton, La., lot, judgment of condemnation was entered and the product was ordered destroyed. On February 4, 9, and 18, 1946, the Mallory Canning Co. having appeared as claimant for the remaining lots, judgments of condemnation were 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. On May 18 and 27, 1946, amended decrees were entered ordering the latter lots destroyed.

Nos. 10637 to 10646 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.

10637. Misbranding of canned peas. U. S. v. 1,022 and 1,677 Cases * * * (F. D. C. Nos. 18483, 18808. Sample Nos. 3676-H, 24876-H.)

LIBELS FILED: November 30, 1945, and January 7, 1946, Southern District of Texas and Western District of Virginia.

ALLEGED SHIPMENT: On or about August 22 and 24, 1945, by the Columbia Canning Co., from Cambria, Wis.

PRODUCT: Canned peas. 1,022 cases at Houston, Tex., and 1,677 cases at Lynchburg, Va. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Columbia Canning Co. U. S. A. Early June Peas," or "Medium Size Early Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: January 28 and June 3, 1946. The Schuhmacher Co., Houston, Tex., claimant for the Houston lot, and the Columbia Canning Co., claimant for the Lynchburg lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.