

11233. Adulteration of canned mushrooms. U. S. v. 137 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20265, 20307, 20349, 20350. Sample Nos. 8833-H, 59679-H to 59681-H, incl., 59840-H, 63544-H.)

LABELS FILED: Between June 17 and July 2, 1946, District of New Jersey, Eastern District of New York, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of January 23 and May 15, 1946, by the Hockessin Food Products Co., Hockessin, Del.

PRODUCT: Canned mushrooms. 137 cases, each containing 48 4-ounce cans, at Jersey City, N. J.; 29 cases, each containing 48 8-ounce cans, at Brooklyn, N. Y.; and 99 cases, each containing 24 8-ounce cans, and 124 cases, each containing 48 4-ounce cans, at Pittsburgh, Pa.

LABEL, IN PART: "Southwood Farms * * * Mushrooms," "Small Buttons Mushrooms," or "Large Buttons Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, rodent hairs, insects, insect fragments and parts, mites, straw, and dirt.

DISPOSITION: Between September 3, 1946, and January 15, 1947. The Hockessin Food Products Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond to be washed and used in the manufacture of mushroom soup, under the supervision of the Food and Drug Administration.

11234. Misbranding of canned mushrooms. U. S. v. 12 Cartons * * *. (F. D. C. No. 20303. Sample No. 8916-H.)

LABEL FILED: June 27, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 6, 1946, by the Delaware Mushroom Cooperative Assoc., from Hockessin, Del.

PRODUCT: 12 cartons, each containing 24 16-ounce cans, of mushrooms at New York, N. Y. Examination showed that the product was not fancy and that it was short weight.

LABEL, IN PART: "First State Fancy Buttons Mushrooms Drained Wt. 16 Oz. Net. Avoir. [Vignette of fancy button mushrooms]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Buttons Mushrooms" and the vignette of fancy button mushrooms were false and misleading as applied to a product which was not fancy button mushrooms, by reason of open veils and broken mushrooms; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 31, 1946. No claimant having appeared, judgment of condemnation was entered. A portion of the product was ordered delivered to the Federal Security Agency, and the remainder was ordered delivered to charitable institutions.

11235. Adulteration of dried mushrooms. U. S. v. 2 Bags, 3 Bags, and 1 Bag * * *. (F. D. C. Nos. 14670 to 14672, incl. Sample Nos. 86570-F to 86572-F, incl.)

LABEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of October 21 and November 11, 1944, by Ben H. Bomkamp, Wencle Kuchar, and Cletus F. Pink, from Muscoda, Montfort, and Highland, Wis., respectively.

PRODUCT: Dried mushrooms. 2 15-pound bags, 3 25-pound bags, and 1 16-pound bag at Berwyn, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and insect eggs.

DISPOSITION: December 10, 1946. Default decree of condemnation and destruction.

11236. Adulteration of dried mushrooms. U. S. v. 2 Bags * * *. (F. D. C. Nos. 14558, 14559. Sample Nos. 86564-F, 86569-F.)

LABEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 13 and November 1, 1944, by Francis A. Mara, from Wauzeka, Wis., and Bohumil Smisek, from Lonsdale, Minn.

PRODUCT: 2 unlabeled bags containing 41 pounds of dried mushrooms.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and larvae.

DISPOSITION: December 10, 1946. Default decree of condemnation and destruction.

11237. Adulteration of canned peas and carrots. U. S. v. 79 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 20020, 20087, 20370, 20420. Sample Nos. 58939-H, 58967-H, 58968-H, 59163-H.)

LIBELS FILED: May 24 and July 25, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: March 21, 1946, by the Nelson Packing Co., San Francisco, Calif.

PRODUCT: 79 cases and 670 cases at Yakima and Spokane, Wash., respectively. Each case contained 24 cans of peas and carrots.

LABEL, IN PART: "Winners Brand Contents 1 Lb. 3 Oz. Dried Sweet Peas & Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevily peas.

DISPOSITION: On August 13, 1946, the Nelson Packing Co., claimant for 143 cases of the product at Spokane, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the good from the bad, under the supervision of the Federal Security Agency. On September 27, 1946, the claimant having been unable to segregate the product, the court ordered it destroyed. On July 22 and 30 and September 23, 1946, default decrees of condemnation and destruction were entered against the remaining lots.

11238. Adulteration of canned peas. U. S. v. 380 Cases * * *. (F. D. C. No. 20082. Sample No. 34946-H.)

LIBEL FILED: June 10, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 21, 1945, by the Antigo Canning Factory, from Antigo, Wis.

PRODUCT: 380 cases, each containing 24 No. 5 cans, of peas at Jacksonville, Ill. Examination showed that the product was undergoing bacterial decomposition.

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

DISPOSITION: March 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 11239 to 11247 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 fell 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.

11239. Misbranding of canned peas. U. S. v. Cambria Canning Corp. Plea of guilty. Fine, \$800. (F. D. C. No. 20195. Sample Nos. 18063-H, 24551-H.)

INFORMATION FILED: November 4, 1946, Western District of Wisconsin, against the Cambria Canning Corp., Cambria, Wis.

ALLEGED SHIPMENT: On or about July 26 and August 2, 1945, from the State of Wisconsin into the States of Illinois and Louisiana.

LABEL, IN PART: (Cases) "Eatmor Brand Peas," or "STD 3 ALA."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product was below standard because of a high percentage of alcohol-insoluble solids; Section 403 (e) (1), (portion) the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the article failed to bear a label containing an accurate statement, or any statement whatever, of the quantity of the contents; and, Section 403 (g) (2), it bore no label containing the name of the food specified in the definition and standard of identity for canned peas.