

**LABEL, IN PART:** "Mushrooms Fancy Buttons Quaker State Brand Grown and Packed by J. B. Swayne & Son, Kennett Square, Pennsylvania Drained Net Weight 8 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designation "Mushrooms Fancy Buttons" and the vignette depicting fancy button mushrooms, borne on the label, were false and misleading, since the product did not consist of fancy button mushrooms, because of excessive blemished units and excessive stems; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, in that the statement "Drained Net Weight 8 Ozs." was inaccurate, since the average drained weight of the product was 7.24 ounces.

**DISPOSITION:** April 7, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution. On May 1, 1947, however, the decree was amended to provide for destruction of the product.

**12132. Misbranding of canned mushrooms. U. S. v. 109 Cases \* \* \* (and 5 other seizure actions).** (F. D. C. Nos. 20242, 20532, 20560, 20685, 20700, 21653. Sample Nos. 3721-H, 42899-H, 63361-H, 63377-H, 63378-H, 63426-H, 63463-H, 70514-H, 70517-H.)

**LIBELS FILED:** June 10, July 16 and 26, August 7 and 23, and November 18, 1946, Districts of Maryland and New Jersey and Southern District of California.

**ALLEGED SHIPMENT:** Between the approximate dates of January 15 and July 6, 1946, by J. B. Swayne and Son, from Kennett Square, Pa.

**PRODUCT:** Canned mushrooms. 109 cases and 141 cases at Baltimore, Md.; 80 cases at Newark, N. J.; 196 cases at Kearney, N. J.; 4 cases at Elizabeth, N. J.; and 82½ cases at Los Angeles, Calif.

**LABEL, IN PART:** (Cans) "Mushrooms Fancy Buttons - Quaker State Brand [Vignette depicting fancy button mushrooms] Drained Net Weight 4 Ozs. [or "8 Ozs.," or "1-Lb.]," "Uco Fancy Button Mushrooms," or "Fancy Buttons."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designations on the labels, "Mushrooms Fancy Buttons," "Fancy Button Mushrooms," and "Fancy Buttons," together with the vignette on the labels of certain lots, depicting fancy button mushrooms, were false and misleading. (The article was not fancy button mushrooms, because of one or more of the following conditions: Excessive blemishes, excessively long stems, variations in size, and spotted or dark units.)

Further misbranding (portions), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The drained weight was less than declared on the label.)

**DISPOSITION:** September 24, 25, and 27, 1946. J. B. Swayne & Son, Inc., having appeared as claimant for the product at Newark, Kearney, and Los Angeles, and for 109 cases at Baltimore, and having consented to the entry of decrees, judgments of condemnation were entered. The product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

On October 14, 1946, and January 2, 1947, no claimant having appeared for the remainder, judgments of condemnation were entered. The Elizabeth lot was ordered delivered to a charitable institution, and 141 cases at Baltimore were ordered delivered to a local hospital.

**12133. Adulteration of dried mushrooms. U. S. v. 19 Cans \* \* \*. (F. D. C. No. 22274. Sample No. 74121-H.)**

**LIBEL FILED:** February 7, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 30, 1946, by E. Schroeder Bros., Inc., from New York, N. Y.

**PRODUCT:** 19 10-pound cans of dried mushrooms at Boston, Mass.

**LABEL, IN PART:** "Prodotti 'Superfungo' Milano (Italy) \* \* \* Dried Mushrooms."

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

**DISPOSITION:** March 24, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.