

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent.

DISPOSITION: October 7, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$250 was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

12355. Misbranding of canned mixed vegetables. U. S. v. 580 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23110, 23111. Sample Nos. 90939-H, 90940-H.)

LIBEL FILED: May 9, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about November 4, 1946, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.

PRODUCT: 1,056 cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Baltimore, Md.

LABEL, IN PART: "Royal Clover Brand Mixed Vegetables," and "Charles G. Summers, Jr's, Superfine Brand Mixed Vegetables Special Summer Pack."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of mixed vegetables which appeared on all can labels was misleading, since it did not depict the true proportion and general appearance of the ingredients which were actually present in the cans; the vignette of a dish of mixed vegetables which appeared on some of the can labels was misleading, since such vignette showed very few carrots, whereas carrots decidedly predominated in the mixture; and the label statement "fancy" appearing on some cans was false and misleading as applied to the article, since it was not of fancy quality, because of the presence of ragged pieces and slivers of vegetables, mature white lima beans, and fibrous green beans.

DISPOSITION: May 22 and June 30, 1947. B. H. Rudo & Brother, Baltimore, Md., and Charles G. Summers, Jr., Inc., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling.

12356. Adulteration of canned green beans. U. S. v. 31 Cases * * *. (F. D. C. No. 23398. Sample No. 99589-H.)

LIBEL FILED: August 5, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about April 10, 1946, by Texas Canning Co., Falfurrias, Tex.

PRODUCT: 31 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Quincy, Ill. Examination showed that the product was decomposed.

LABEL, IN PART: "Miss Texas Brand Cut Green [or "Green Stringless"] Beans."

NATURE OF CHARGE: Misbranding, Section 403 (b) (1), the product failed to conform to the definition and standard of identity for canned green beans, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12357. Misbranding of canned green beans. U. S. v. 376 Cases * * *. (F. D. C. No. 23354. Sample No. 49513-H.)

LIBEL FILED: July 11, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 30, 1946, by Deaf Smith County Food Products, from Hereford, Tex.

PRODUCT: 376 cases, each containing 6 6-pound, 8-ounce cans, of green beans at New Iberia, La.

LABEL, IN PART: "Deaf Smith County Foods Cut Green Beans Packed by Deaf Smith County Food Products Co., Inc. * * * with the unusual Vitamin and Mineral properties of Deaf Smith County Food Products. From the Town without a toothache. Contents of this can were produced in the vicinity of Hereford, Texas, the town known throughout the world because of its almost