

DISPOSITION: June 27 and July 30, 1947. The Cobbs Fruit & Preserving Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be reconditioned and relabeled under the supervision of the Food and Drug Administration. Eighty-three pounds of the grape jelly and 200 pounds of the plum jelly were destroyed; the remainder was reprocessed, repacked, and relabeled. [Editor's note: In addition to being misbranded, the products were in part decomposed.]

13459. Adulteration of strawberry preserves. U. S. v. 974 Cases * * *
(F. D. C. No. 24026. Sample No. 24459-K.)

LIBEL FILED: December 18, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 23 and 25, 1947, by Colonial Cannery, Inc., from Independence, La., and returned to Independence from Minneapolis, Minn., on or about December 9, 1947.

PRODUCT: 974 cases, each containing 24 1-pound jars, of strawberry preserves at Independence, La.

LABEL, IN PART: "Colonial Pure Strawberry Preserves."

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

DISPOSITION: February 6, 1948. Colonial Cannery, Inc., claimant, having consented to the entry of a decree, 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. Of the 943 cases seized, approximately 66 cases were destroyed.

13460. Adulteration of imitation raspberry fruit spread. U. S. v. 19 Cans * * *
(F. D. C. No. 25023. Sample No. 22933-K.)

LIBEL FILED: July 9, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about December 2, 1946, from Louisville, Ky.

PRODUCT: 19 32-pound cans of imitation raspberry fruit spread at Birmingham, Ala.

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. (The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: August 11, 1948. Default decree of condemnation and destruction.

VEGETABLES

13461. Adulteration and misbranding of canned asparagus. U. S. v. 50 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 22264, 22266 to 22268, incl., 24845. Sample Nos. 62997-H, 36654-K.)

LIBELS FILED: February 4 and 6, 1947, and May 25, 1948, District of New Jersey and Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1946, and April 7, 1948, by Parrott & Co., from Alameda and San Francisco, Calif.

PRODUCT: Asparagus. 174 cases, each containing 24 1-pound, 2-ounce cans, at Paterson, N. J., and 60 cases, each containing 6 6-pound, 5-ounce cans, at Seattle, Wash.

LABEL, IN PART: "Exposition Brand All Green and White Cuts—Tips Removed Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted for asparagus cuts, tips removed, which the product was represented to be.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for asparagus cuts, tips removed. The regulations provide that asparagus cuts, tips removed, are the edible, succulent portion of sprouts of the asparagus plant from which the tip has been removed, cut in pieces, whereas the article consisted of tough, fibrous, and inedible parts of the asparagus plant.

DISPOSITION: March 10, 1947, and July 30, 1948. Default decrees of condemnation. The Paterson lots were ordered destroyed, and the Seattle lot was ordered delivered to a Federal institution.

13462. Adulteration of canned beans with pork. U. S. v. 148 Cases * * *.
(F. D. C. No. 25173. Sample No. 22937-K.)

LIBEL FILED: July 16, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 8, 1947, from Swedesboro, N. J.

PRODUCT: 148 cases, each containing 48 1-pound cans, of beans with pork at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: August 16, 1948. Default decree of condemnation and destruction.

13463. Misbranding of canned cut green beans. U. S. v. 3,150 cases * * *.
(F. D. C. No. 24642. Sample No. 44003-K.)

LIBEL FILED: May 20, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 9, 1948, by the Fuller Canneries Co., from South Dayton, N. Y.

PRODUCT: 3,150 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans at Cincinnati, Ohio. The product was cut into pieces less than $\frac{3}{4}$ inch in length, which size is designated as short cuts in the standard.

LABEL, IN PART: "Ontario Brand Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as canned cut green beans, a food for which a definition and standard of identity has been prescribed by the regulations; and its label failed to bear, as required by the regulations, the name of the optional ingredients present in the food, since the label bore the statement "Cut Green Beans," whereas the article was "short cut green beans." Further misbranding, Section 403 (a), the vignette borne on the label of a dish of cut green beans of normal length was misleading.

DISPOSITION: July 14, 1948. The Fuller Canneries Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13464. Misbranding of canned cut green beans. U. S. v. 19½ cases, etc. (F. D. C. No. 24753. Sample Nos. 37257-K, 37258-K.)

LIBEL FILED: May 7, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about June 3, 1947, by Seattle Association of Credit Men, from Albany, Oreg.

PRODUCT: 175½ cases, each containing 6 cans, of green beans at Seattle, Wash.

LABEL, IN PART: (Portion) "Moraga Brand Cut Green Beans, Contents 6 Lbs. 5 OZS. * * * Distributed by J. L. Henderson & Co., San Francisco."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans, and its label failed to bear a statement that it fell below such standard. (The product contained an excessive amount of tough strings and fibrous material.)

DISPOSITION: July 8, 1948. The Wanamaker Supply Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13465. Adulteration of canned diced beets. U. S. v. 58 Cases * * *. (F. D. C. No. 25233. Sample No. 22936-K.)

LIBEL FILED: July 30, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about June 20, 1946, from Raymondville, Tex.

PRODUCT: 58 cases, each containing 24 1-pound, 4-ounce cans, of diced beets at Birmingham, Ala.