

VEGETABLES AND VEGETABLE PRODUCTS

16441. Adulteration of canned pork and beans. U. S. v. Tolerton & Warfield Co. (Norfolk Packing Co.), a corporation, and Elmer H. Bernhardt. Pleas of nolo contendere. Corporation fined \$400, plus costs; individual defendant fined \$100. (F. D. C. No. 29175. Sample No. 55733-K.)

INFORMATION FILED: June 7, 1950, District of Nebraska, against the Tolerton & Warfield Co., a corporation, trading as the Norfolk Packing Co., Plattsmouth, Nebr., and Elmer H. Bernhardt, general manager.

ALLEGED SHIPMENT: On or about October 8, 1949, from the State of Nebraska into the State of Missouri.

LABEL, IN PART: (Can) "Finest Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 8, 1950. Pleas of nolo contendere having been entered, the corporation was fined \$400, plus costs, and the individual defendant \$100.

16442. Adulteration and misbranding of canned green beans. U. S. v. 277 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28925, 28973. Sample Nos. 67958-K, 67966-K.)

LIBELS FILED: March 27 and April 26, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about November 7, 1949, and February 13, 1950, by the Northwest Packing Co., from Portland and Brooklyn, Oreg.

PRODUCT: 422 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Denver, Colo.

LABEL, IN PART: "Solitaire Whole Green String-Less Beans."

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

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

DISPOSITION: June 5, 1950. The Northwest Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 22 cases and 5 cans were destroyed, and 341 cases and 2 cans were found fit for human consumption and were released.

16443. Misbranding of canned peas. U. S. v. 542 Cases * * *. (F. D. C. No. 29217. Sample No. 54566-K.)

LIBEL FILED: May 9, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 7, and 16, 1950, by Stokely Foods, Inc., from Tipton, Ind., and Gibson City, Ill.

PRODUCT: 542 cases, each containing 24 1-pound, 1-ounce cans, of peas at Birmingham, Ala.

LABEL, IN PART: "Glen Valley Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since the alcohol-insoluble solids of

the peas in the container were more than 23.5 percent, and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: June 7, 1950. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

16444. Adulteration of canned pumpkin. U. S. v. 240 Cases * * *. (F. D. C. No. 28962. Sample No. 43262-K.)

LIBEL FILED: April 11, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 2, 1950, by the C. D. Kenny Co., from Columbus, Ohio.

PRODUCT: 240 cases, each containing 6 1-pound, 13-ounce cans, of pumpkin at Blissfield, Mich.

LABEL, IN PART: "Kenny's Golden Pumpkin."

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

DISPOSITION: June 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

TOMATOES AND TOMATO PRODUCTS*

16445. Adulteration of canned tomatoes. U. S. v. 119 Cases * * *. (F. D. C. No. 29281. Sample No. 48746-K.)

LIBEL FILED: June 20, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 28, 1950, by the Violet Packing Co., From Williamstown, N. J.

PRODUCT: 119 cases, each containing 24 cans, of tomatoes at Wilkes-Barre, Pa.

LABEL, IN PART: (Can) "Topper Tomatoes Contents 1 Lb. 12 Oz."

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

DISPOSITION: July 21, 1950. Default decree of condemnation and destruction.

16446. Adulteration and misbranding of tomato puree. U. S. v. Akin Food Products Co., Inc., and Harold L. Akin. Pleas of guilty. Fine of \$200 against corporation; fine of \$100 against individual defendant suspended, and defendant placed on probation for 5 years. (F. D. C. No. 29143. Sample Nos. 54286-K, 54310-K.)

INFORMATION FILED: April 28, 1950, Southern District of Texas, against Akin Food Products Co., Inc., Mission, Tex., and Harold L. Akin, president.

ALLEGED SHIPMENT: On or about September 23, 1949, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Val-Tex Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

*See also Nos. 16404-16408.