

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the regulations, the name of the optional packing medium present, namely, water.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: January 25, 1951. Varney Canning, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

VEGETABLES

17040. Adulteration of kidney beans. U. S. v. 25 Cases * * *. (F. D. C. No. 29985. Sample No. 92781-K.)

LIBEL FILED: November 6, 1950, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about December 16, 1948, from Chicago, Ill.

PRODUCT: 25 cases, each containing 24 2-pound bags, of kidney beans at Nashville, Tenn.

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 insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1950. Default decree of condemnation and destruction. On January 2, 1951, the decree was amended to set aside the order of destruction and to direct the marshal to deliver the product to a charitable institution, for use as animal feed.

17041. Adulteration of canned mustard greens. U. S. v. 75 Cases * * *. (F. D. C. No. 30320. Sample No. 86187-K.)

LIBEL FILED: December 11, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about June 6, 1950, by L. H. Moore Canning Co., from McAllen, Tex.

PRODUCT: 75 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Phoenix, Ariz.

LABEL, IN PART: "Moore's Texas Mustard Greens."

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 worms.

DISPOSITION: February 9, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17042. Adulteration and misbranding of canned tomatoes. U. S. v. 373 Cases * * *. (F. D. C. No. 30309. Sample No. 70298-K.)

LIBEL FILED: November 29, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about September 14, 1950, by the Rush Canning Co., from Washburn, Mo.

PRODUCT: 373 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Coffeyville, Kans.

LABEL, IN PART: "Can-D-Lite Brand Tomatoes."

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 fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel.

DISPOSITION: January 22, 1951. Default decree of condemnation and destruction.

17043. Adulteration and misbranding of tomato paste. U. S. v. 68 Cases * * *.
(F. D. C. No. 30176. Sample No. 55067-K.)

LIBEL FILED: November 30, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 7, 1950, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 68 cases, each containing 100 6-ounce cans, of tomato paste at Birmingham, Ala.

LABEL, IN PART: "Plee-Zing Tomato Paste Naples Style."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent salt-free tomato solids.

DISPOSITION: February 19, 1951. Default decree of condemnation and destruction.

17044. Adulteration of tomato puree. U. S. v. 100 Cases (and 2 other seizure actions). (F. D. C. Nos. 30255 to 30257, incl. Sample Nos. 91824-K to 91826-K, incl.)

LIBELS FILED: November 16, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 29 and October 3 and 4, 1950, by Udde & Taormina Co., from Vineland, N. J.

PRODUCT: Tomato puree. 100 cases at Brooklyn, N. Y., 29 cases, at South Ozone Park, Long Island, N. Y., and 45 cases at Rosebank, Staten Island, N. Y. Each case contained 24 1-pound, 12-ounce cans.

LABEL, IN PART: "Mountain Beauty."

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

DISPOSITION: December 18, 1950. Default decrees of condemnation and destruction.

NUTS

17045. Adulteration and misbranding of mixed nuts. U. S. v. 228 Cases * * *.
(F. D. C. Nos. 30279 to 30285, incl. Sample Nos. 43730-K, 43733-K to 43738-K, incl.)

LIBEL FILED: November 21, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 11, 1950, by William A. Higgins & Co., Inc., from New York, N. Y.