

LABEL, IN PART: (Can) "Grade A A & P Green-Tipped and White Asparagus Spears."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Grade A" was false and misleading since the product was not Grade A.

DISPOSITION: May 9, 1951. Parrott & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law by relabeling, under the supervision of the Federal Security Agency. It was ordered that the labels contain no statement as to grade.

17637. Adulteration of canned green beans. U. S. v. 92 Cases, etc. (F. D. C. No. 31002. Sample Nos. 17061-L, 17062-L.)

LIBEL FILED: May 15, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about February 16, 1945, and June 27, 1946, from Baltimore, Md.

PRODUCT: 92 cases, each containing 24 1-pound, 3-ounce cans, and 472 cases, each containing 24 1-pound, 4-ounce cans, of green beans at Los Angeles, Calif.

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

DISPOSITION: July 12, 1951. The claimant having consented to the immediate destruction of the product, judgment of condemnation was entered and the court ordered that the product be destroyed.

17638. Adulteration of canned garbanzos (chick-peas). U. S. v. 93 Cases * * *. (F. D. C. No. 30906. Sample No. 1305-L.)

LIBEL FILED: On or about April 25, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 7 and 9, 1951, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: 93 cases, each containing 24 15-ounce cans, of garbanzos (chick-peas) at Atlanta, Ga.

LABEL, IN PART: (Can) "Old Glory Improved * * * 'Flavor Pack' Fancy Garbanzos."

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.

DISPOSITION: May 15, 1951. Default decree of condemnation. The court ordered that the product be destroyed or, in lieu of destruction, that it be delivered to a public institution, for use as animal feed.

17639. Adulteration of lentils. U. S. v. 368 Bags * * *. (F. D. C. No. 30890. Sample No. 24672-L.)

LIBEL FILED: April 3, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 1, 1950, from Argentina.

PRODUCT: 368 bags, each containing 149 pounds, of lentils at Brooklyn, N. Y.

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 rodent excreta. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 23, 1951. Ocean Commercial Co., Inc., a Delaware corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion was separated from the fit portion, resulting in the release of 54,049 pounds as fit and in the destruction of the remaining 970 pounds as unfit.

17640. Adulteration and misbranding of canned spinach. U. S. v. 25 Cases
* * * (F. D. C. No. 31006. Sample No. 31389-L.)

LIBEL FILED: May 18, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 23, 1951, by the Van Buren Canning Co., from Van Buren, Ark.

PRODUCT: 25 cases, each containing 6 6-pound, 2-ounce cans, of spinach at St. Louis, Mo.

LABEL, IN PART: "Gooding's Spinach."

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 spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: June 18, 1951. Default decree of condemnation and destruction.

TOMATO PRODUCTS

17641. Adulteration of tomato catsup. U. S. v. 105 Cases * * * (and 1 other seizure action). Cases transferred to Southern District of Indiana for trial; cases ordered returned to Eastern District of Missouri for lack of jurisdiction of District Court for Southern District of Indiana. Claimant's petitions to circuit court of appeals for writ of mandamus and to Supreme Court for writ of certiorari denied. Product condemned and ordered destroyed. (F. D. C. Nos. 28403, 28632. Sample Nos. 61169-K, 61170-K, 76703-K.)

LIBELS FILED: November 29, 1949, and January 6, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 31, October 27, and November 15, 1949, by the Fettig Canning Co., from Elwood, Ind.

PRODUCT: 416 cases, each containing 24 14-ounce cans, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Mary's Choice Tomato Catsup."

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 therein of decomposed tomato material.

DISPOSITION: On January 11, 1950, on motion of the Fettig Canning Co., claimant, the cases were transferred to the Southern District of Indiana for trial. On January 10, 1951, the cases were consolidated for trial before a jury. On January 11, 1951, the court, on its own motion, ordered the cases remanded to the Eastern District of Missouri, Eastern Division, for lack of jurisdiction, after which the claimant filed a petition for a writ of mandamus in the United States Court of Appeals for the Seventh Circuit. That court, on January 17,