

LABEL IN PART: (Can) "Colonial Cream Style Country Gentleman White Sweet Corn."

LIBELED: 2-8-55, M. Dist. Tenn.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-19-55. Default—consumption by animals.

22516. Canned hominy. (F. D. C. No. 38055. S. No. 13-290 M.)

QUANTITY: 40 cases, 24 9½-oz. cans each, at Hanover, Pa.

SHIPPED: 1-4-55, from Washington, D. C. This was a return shipment.

LABEL IN PART: (Can) "Banjo Vacuum Packed White Hominy."

LIBELED: 6-8-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—unfit for food by reason of discoloration and lacquer peeling from can lining.

DISPOSITION: 7-21-55. Default—destruction.

22517. Olives. (F. D. C. No. 37945. S. Nos. 2-477/8 M.)

QUANTITY: 84 cases, 24 3-oz. jars each, and 90 cases, 24 4½-oz. jars each, at Landover, Md.

SHIPPED: 3-21-55, from Brooklyn, N. Y., by Mawer-Gulden-Annis, Inc.

LABEL IN PART: (Jar) "Grandee Spanish Olives Stuffed With Spanish Sweet Peppers."

LIBELED: On or about 4-18-55, Dist. Md.

CHARGE: 402 (a) (2)—when shipped contained an added deleterious substance, glass fragments, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 5-12-55. Consent—claimed by Mawer-Gulden-Annis, Inc. Reprocessed by washing, and repacked.

22518. Canned sauerkraut (2 seizure actions). (F. D. C. Nos. 36406, 36692. S. Nos. 41-663 L, 82-345 L.)

QUANTITY: 101 cases, 6 6-lb., 4-oz. cans each, and 43 cases, 24 1-lb., 11-oz. cans each, at Philadelphia and York, Pa.

SHIPPED: 1-20-54 and 1-28-54, from Phelps, N. Y., by Seneca Kraut & Pickling Co.

LABEL IN PART: (Can) "Seneca Brand Sauerkraut."

LIBELED: 3-1-54, E. Dist. Pa.; 3-18-54, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Pursuant to an agreement between Seneca Kraut & Pickling Co., claimant, and the Government, an order was entered by the United States District Court for the Eastern District of Pennsylvania on 4-28-54, providing that the libel action pending in the Middle District of Pennsylvania be consolidated for trial with that pending in the Eastern District of Pennsylvania. Subsequently, the claimant filed an answer denying that the article was adulterated as alleged in the libels. Thereafter, interrogatories were served upon the claimant by the Government and were answered.

On 6-27-55, the Government filed a motion for a summary judgment on the ground that there was no genuine issue of material fact. On 9-22-55, the

claimant having consented to the entry of a decree, an order was entered condemning the articles. The 101-case lot was destroyed, and the 43-case lot was used for animal feed.

TOMATOES AND TOMATO PRODUCTS

22519. Canned tomatoes. (F. D. C. No. 37813. S. No. 3-793 M.)

QUANTITY: 95 cases, 24 1-lb., 3-oz. cans each, at East Syracuse, N. Y.

SHIPPED: 1-14-55, from Codorus, Pa., by Codorus Canning Co.

LABEL IN PART: (Can) "Ideal Brand Selected Hand Packed Tomatoes."

LIBELED: 3-12-55, N. Dist., N. Y.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 5-6-55. Default—destruction.

22520. Canned tomatoes. (F. D. C. No. 38000. S. No. 13-514 M.)

QUANTITY: 89 cases, 24 1-lb. cans each, at Mount Carmel, Pa.

SHIPPED: 9-9-52, from Drawbridge, Md., by Robbins Bros.

LABEL IN PART: (Can) "Pride of the Farm Brand * * * Tomatoes."

LIBELED: 3-22-25, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 7-21-55. Default—destruction.

22521. Tomato catsup. (F. D. C. No. 37774. S. Nos. 4-115/6 M.)

QUANTITY: 1,037 cases, 6 7-lb., 3-oz. cans each, at McKeesport, Pa.

SHIPPED: 9-29-54 and 10-4-54, from Wilson, N. Y., by Wilson Canning Co.

LABEL IN PART: (Can) "Tomato Catsup Pomco Fancy" and "Tomato Catsup Pomco."

LIBELED: 2-2-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-11-55. Consent—destruction.

22522. Tomato juice. (F. D. C. No. 37744. S. Nos. 10-370/1 M.)

QUANTITY: 526 cases, 12 1-qt., 14-oz. cans each, at St. Paul, Minn.

SHIPPED: 11-12-54, from Hamler, Ohio, by Bauer Canneries, Inc.

LABEL IN PART: (Can) "Table Hints Brand * * * Tomato Juice" and "Bauer Tomato Juice."

LIBELED: 1-15-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained fly eggs and decomposed tomato material when shipped.

DISPOSITION: 3-1-55. Default—destruction.

22523. Tomato juice. (F. D. C. No. 37780. S. No. 13-255 M.)

QUANTITY: 408 cases, 12 1-qt., 14-oz. cans each, at West Milton, Pa.

SHIPPED: 12-3-54, from New Brunswick, N. J. This was a return shipment.

LIBELED: 2-4-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed tomato material.

DISPOSITION: 3-14-55. Default—destruction.