

13310. Adulteration of canned corn. U. S. v. 598 Cases * * *. (F. D. C. No. 24362. Sample No. 3820-K.)

LIBEL FILED: On or about February 26, 1948, Eastern District of Virginia. On May 24, 1948, the libel was amended to cover two additional shipments of the product which, together with the 598 cases against which the original libel was filed, made a total of approximately 1,000 cases.

ALLEGED SHIPMENT: On or about October 29 and November 1, 1947, and January 9, 1948, by A. W. Feeser & Co., Inc., from Taneytown, Md.

PRODUCT: 1,000 cases, each containing 24 cans, of yellow sweet corn at Richmond, Va.

LABEL, IN PART: "Powhatan Cream Style Brand Yellow Sweet Corn Contents 1 Lb. 4 Ozs."

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 and insect fragments.

DISPOSITION: June 30, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

13311. Adulteration of canned corn. U. S. v. 74 Cases * * *. (F. D. C. No. 24917. Sample No. 3857-K.)

LIBEL FILED: June 28, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about May 18, 1948, by the Food Fair Super Markets, from Washington, D. C.

PRODUCT: 74 cases, each containing 24 1-pound, 4-ounce cans, of corn at Frederick, Md.

LABEL, IN PART: "Pride Of The Valley Brand Cream Style Golden Corn * * * Packed By Jenkins Brothers, Inc., Frederick, Md."

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 corn borer worms and worm fragments.

DISPOSITION: August 2, 1948. Default decree of condemnation and destruction.

13312. Misbranding of canned corn. U. S. v. 114 Cases * * *. (F. D. C. No. 24497. Sample No. 20271-K.)

LIBEL FILED: March 25, 1948, District of Nebraska.

ALLEGED SHIPMENT: On or about October 23, 1946, by Stokely-Van Camp, Inc., from Hoopeston, Ill.

PRODUCT: 114 cases, each containing 24 cans, of white sweet corn at Omaha Nebr.

LABEL, IN PART: "Stokely's Finest Cream Style White Sweet Corn Net Weight 1 Lb. 4 Oz—567 grams."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned corn since it had not been so processed by heat as to prevent spoilage. (The product was in whole or in part decomposed.)

DISPOSITION: June 10, 1948. Default decree of condemnation and destruction.

13313. Action to enjoin and restrain the interstate shipment of canned field peas and canned soaked dried field peas. U. S. v. Georgia Canning Co., Inc. Consent decree granting injunction. (Inj. No. 183.)

COMPLAINT FILED: October 8, 1947, Middle District of Georgia, against Georgia Canning Co., Inc., Wayside, Ga.

NATURE OF CHARGE: That the defendant had been and was introducing and delivering for introduction into interstate commerce, canned field peas and canned soaked dried field peas which were adulterated and misbranded as follows:

Adulteration, Section 402 (a) (3), they consisted in part of larvae, insects, and insect parts; and, Section 402 (b) (2), soaked dried field peas had been substituted for young tender field peas or young tender field peas with snaps.

Misbranding, Section 403 (a), the label statements "Young Tender Field Peas" or "Young Tender Field Peas with Snaps" and "contents of this can are young tender peas and not to be confused with soaked dried peas" were false and misleading, since the peas were not young or tender but were soaked dried

peas; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned field peas, since the definition and standard provides that the vegetable ingredient of canned field peas is obtained from the seed shelled from the pods of succulent field peas with or without snaps, whereas the vegetable ingredient of the product was soaked dried field peas.

PRAYER OF COMPLAINT: That the defendants be perpetually enjoined from commission of the acts complained of and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: October 20, 1947. The defendant having admitted the allegations in the complaint and having consented to the entry of a decree, the court issued an order perpetually enjoining the defendant from introducing or delivering for introduction into interstate commerce adulterated or misbranded canned field peas or canned soaked dried field peas.

13314. Adulteration of canned field peas with snaps. U. S. v. 497 Cases * * *. (F. D. C. No. 22725. Sample No. 54838-H.)

LABEL FILED: March 31, 1947, Northern District of Florida.

ALLEGED SHIPMENT: On or about August 12, 1946, by the Kent Canning Co., from Gibson, Ga.

PRODUCT: 497 cases, each containing 24 1-pound, 3-ounce cans, of peas at Tallahassee, Fla.

LABEL, IN PART: "Kent's Pride Georgia Field Peas with Snaps."

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 larvae.

DISPOSITION: May 9, 1947. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

13315. Misbranding of canned black-eyed peas. U. S. v. 64 Cases, etc. (F. D. C. Nos. 24352, 24408. Sample Nos. 3824-K, 22678-K.)

LABELS FILED: On or about January 13 and April 8, 1948, Eastern District of Louisiana and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 21 and 24, 1947, by Leverton & Co., from Houston and Alvin, Tex.

PRODUCT: 64 cases and 149 cases, each containing 6 6-pound, 4-ounce cans, of black-eyed peas at Baton Rouge, La., and Richmond, Va., respectively.

LABEL, IN PART: "Rio Grande Fresh Green Shelled Blackeyed Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned black-eyed peas, in that it was food sealed in a container and was not so processed by heat as to prevent spoilage. (The product was in whole or in part decomposed.)

DISPOSITION: March 27 and June 30, 1948. Default decrees of condemnation and destruction.

Nos. 13316 to 13320 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

13316. Misbranding of canned peas. U. S. v. 774 Cases * * *. (F. D. C. No. 24668. Sample No. 27908-K.)

LABEL FILED: June 7, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 24, 1948, by Charles H. Johnston's Sons Co., from Greensburg, Ind.

PRODUCT: 774 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

LABEL, IN PART: "Newport Brand Early June Peas * * * Distributed by Newport Can Co., Indianapolis, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.