

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because it was too mature.

On February 24, 1942, Empire State Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3321. Misbranding of canned corn. U. S. v. 111 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6241. Sample No. 74573-E.)

On November 17, 1941, the United States attorney for the District of New Jersey filed a libel against 111 cases, each containing 24 cans, of corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 5, 1941, by Fairmont Canning Co. from Fairmont, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Uco Fancy Cream Style Country Gentleman Sweet Corn Contents 1 Lb. 1 Oz. * * * Uco Food Corp. Newark, N. J. Distributors."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of overmaturity and lack of tenderness of the kernels.

On January 9, 1942, Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3322. Misbranding of canned corn. U. S. v. 52 Cases and 172 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. 6878. Sample Nos. 73505-E, 73508-E.)

In addition to the fact that this product was overmature for the designation "Fancy," a portion contained numerous pulled kernels, considerable cob, husk, and silk.

On February 17, 1942, the United States attorney for the District of Nebraska filed a libel against 224 cases, each containing 24 No. 2 cans, of corn at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 1 and December 10, 1941, and January 12, 1942, by Iowa Canning Co. from Vinton, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Tendersweet Fancy Corn Whole Kernel White Country Gentleman [or "Golden Bantam"]."

The article was alleged to be misbranded in that it was labeled as of Fancy quality, which was false and misleading since it was not of Fancy quality.

On April 13, 1942, Iowa Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently the product was relabeled.

3323. Misbranding of canned corn. U. S. v. 173 Cases of Corn. Consent decree of condemnation. Product released to claimant for relabeling. (F. D. C. No. 6699. Sample No. 73085-E.)

Examination showed that this product was not of "Grade A" or "Fancy" quality, as labeled, because of overmaturity of the kernels.

On or about January 20, 1942, the United States attorney for the Western District of Missouri filed a libel against 173 cases, each containing 24 No. 2 cans, of corn at North Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 21 and November 4, 1941, by Keene-Belvidere Canning Co. from Belvidere, Ill.; and charging that it was misbranded. It was labeled in part: (Cans) "Kroger's Country Club Quality Brand Fancy Whole Kernel Yellow Corn Golden Bantam Hybrid Grade A * * * Distributed by The Kroger Grocery & Baking Co. * * * Cincinnati, Ohio * * * The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality."

The article was alleged to be misbranded in that the following label statements, "Fancy," "Grade A," and "The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality," were false and misleading as applied to an article that was not of Fancy or Grade A quality.

On March 14, 1942, Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product

was released to the claimant for relabeling under the supervision of the Food and Drug Administration.

3324. Misbranding of canned corn. U. S. v. 25 Cases of Canned Corn. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6863. Sample No. 83219-E.)

On February 17, 1942, the United States attorney for the Southern District of Texas filed a libel against 25 cases, each containing 24 No. 2 cans, of corn at Houston, Tex., alleging that the article had been shipped on or about January 8 and February 28, 1941, by Marshall Canning Co. from Marshalltown, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Uncle William Fancy Country Gentleman Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because the kernels were too mature.

On April 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

3325. Misbranding of canned corn. U. S. v. 37 Cases of Shoe Peg Corn. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 7150. Sample No. 87948-E.)

On April 7, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 37 cases, each containing 24 No. 2 cans, of corn at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about January 23, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "McGrath's Fancy Shoe Peg Corn Champion Brand."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the kernels were too mature.

On April 23, 1942, Elk Grocery Co., Charleston, W. Va., claimant having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

3326. Misbranding of canned corn. U. S. v. 124 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7045. Sample No. 64827-E.)

On March 17, 1942, the United States attorney for the Northern District of Ohio filed a libel against 124 cases of canned corn at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about September 23, 1941, and January 5, 1942, by Morgan-Adams Co., Inc., from Terre Haute, Ind.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the kernels were too old. It was labeled in part: "Pride of Eugene * * * Fancy Whole Kernel Golden Cross Bantam Corn."

On May 22, 1942, the Morgan-Adams Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law.

3327. Misbranding of canned corn. U. S. v. 518 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6561. Sample No. 37592-E.)

On or about December 30, 1941, the United States attorney for the Northern District of Georgia filed a libel against 518 cases, each containing 24 No. 2 cans, of corn at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by Stokely Bros. & Co., Inc., from Sevierville, Tenn.; and charging that it was misbranded. It was labeled in part: (Cans) "Southern Manor * * * Cream Style White Sugar Corn Grade A."

The article was alleged to be misbranded in that the statement "Grade A" was false and misleading as applied to an article that was not Grade A because of overmaturity.

On January 31, 1942, Stokely Bros. & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.