

3742. Adulteration and misbranding of beans with pork. U. S. v. 113 Cases, 63 Cases, and 96 Cases of Beans with Pork. Consent decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 7485, 7489, 7547. Sample Nos. 81444-E, 81610-E, 81640-E.)

These canned beans were found to contain small stones ranging in size in the various lots from $\frac{1}{8}$ inch in diameter to about the size of a bean. One shipment was short of the declared weight.

On May 14 and 28, 1942, the United States attorney for the District of Colorado filed libels against 272 cases, each containing 48 cans of beans with pork, which had been consigned by the Norfolk Packing Co., alleging that the article had been shipped in interstate commerce within the period from on or about January 19 to on or about April 1, 1942, from Plattsmouth, Nebr.; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: "Select [or "First Prize" or "Morning Light"] Brand Beans With Pork."

All 3 lots were alleged to be adulterated in that stones had been substituted wholly or in part for beans with pork, which the article purported to be. Adulteration was alleged with respect to 2 of the lots for the further reason that stones had been added thereto or mixed and packed therewith so as to reduce its quality. The Select brand was alleged to be misbranded in that the statement "Contents 16 Ounces" was false and misleading, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 9, 1942, the owner in each instance having signed an acceptance of service and authorization for the taking of final decree, judgments of condemnation were entered and it was ordered that the product be distributed to charitable institutions and that they be required to take steps to insure removal of the adulterant before consumption of the product.

3743. Adulteration of canned beets. U. S. v. 5 Cases of Canned Beets. Default decree of condemnation and destruction. (F. D. C. No. 7457. Sample No. 87969-E.)

This product was undergoing progressive spoilage.

On May 12, 1942, the United States attorney for the Western District of Virginia filed a libel against 5 cases, each containing 24 No. 2½ cans, of beets at Clifton Forge, Va., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, by W. R. Roach & Co. from Owosso, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Hart Brand Small Beets."

On July 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3744 to 3748 report the seizure and disposition of canned peas of the smooth skin variety that fell below the standard of quality for such product, because of excessive mealiness as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent.

3744. Misbranding of canned peas. U. S. v. 99 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6799. Sample No. 59982-E.)

On January 31, 1942, the United States attorney for the Western District of Virginia filed a libel against 99 cases, each containing 24 No. 2 cans, of peas at Winchester, Va., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by A. J. Harris & Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Carroll County Brand Early June Peas * * * Packed By Bankert Bros. Hampstead, Md."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 3, 1942, Bankert Bros., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration. On September 22, 1942, judgment of condemnation was entered, the order of April 3, 1942, having failed to provide for condemnation.