

6726. Adulteration and misbranding of canned turnip greens and canned mustard greens. U. S. v. 500 Cases of Canned Turnip Greens (and 2 other seizure actions against canned mustard greens and turnip greens.) Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 11240. Sample Nos. 47789-F to 47791-F, incl.)

LIBELS FILED: December 6, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 30, 1943, by the Whiteside Cannery, Van Buren, Ark.

PRODUCT: 500 cases, each containing 24 1-pound, 11-ounce cans, and 185 cases, each containing 6 No. 10 cans, of turnip greens; and 250 cases, each containing 24 1-pound, 9-ounce cans, of mustard greens at St. Louis, Mo.

LABEL, IN PART: (Cans) "Mayfair * * * Turnip Greens Distributed By Central Cannery Inc. Fayetteville, Arkansas," "Durham Brand Mustard Greens * * * Packed By Durham Canning Co., Durham, Ark.," or "American Lady-Topmost Brand Fancy Turnip Greens General Grocer Co. Distributors St. Louis, Mo."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass blades and stems had been substituted in whole or in part for the articles; and, Section 402 (b) (4), grass blades and stems had been mixed or packed therewith so as to reduce the articles' quality or strength.

Misbranding, Section 403 (a), the names "Turnip Greens" or "Mustard Greens," appearing on the labeling of the products, were false and misleading as applied to the articles.

DISPOSITION: March 28, 1944. Cases consolidated. H. H. Myer and Virginia B. Whiteside, trading as the Whiteside Cannery, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the products were ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

6727. Adulteration of canned peas. U. S. v. 1,800 Cases and 1,011 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered sold. (F. D. C. Nos. 12306, 12653. Sample Nos. 72300-F, 72731-F, 80481-F.)

LIBELS FILED: May 2 and July 20, 1944, Eastern District of Missouri; latter libel amended July 24, 1944.

ALLEGED SHIPMENT: On or about April 6 and 19, 1944, by Lansing B. Warner, Inc., from Penn Yan and Shortsville, N. Y.

PRODUCT: Canned peas: 1,800 cases and 1,011 cases, each containing 24 cans, at St. Louis, Mo. Libel covering latter lot amended to cover 500 cases, the amount seized.

LABEL, IN PART: (Portion, cans) "AG Quality Brand Delicious Small Peas Fancy Sweet Contents 1 Lb. 4 Oz. Associated Grocers Company, Inc. Distributors St. Louis, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 23, 1944. Lansing B. Warner, Inc., Chicago, Ill., claimant for the 1,800 cases, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for resorting and destruction of the unfit portion, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered sold, provided that it be denatured so that it could not be used for human consumption.

Nos. 6728 to 6740 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but its quality fell below the standard because of higher alcohol-insoluble solids than the 23.5 percent maximum permitted by the standard, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard. In addition, the peas reported in Nos. 6735 to 6738 were below standard because of the high percentage of ruptured peas; those reported in Nos. 6738 and 6739 fell below the standard of fill of container; and those reported in No. 6740 failed to bear required labeling information.