

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: October 26, 1951. The Kelly Canning Co., sometimes known as the Onda Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. The strawberries were subsequently disposed of as hog feed, and the cans and lids were salvaged by the claimant.

18171. Adulteration of frozen strawberries. U. S. v. 599 Crates, etc. (F. D. C. No. 31158. Sample Nos. 9528-L to 9530-L, incl.)

LIBEL FILED: June 5, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 2, 12, and 16, 1951, by the Bateman Frozen Food Co., from Macon, Ga.

PRODUCT: 1,907 crates, each containing 24 quarts, of frozen strawberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: October 25, 1951. The Bateman Frozen Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 25,970 pounds of the product was found unfit and was destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

18172. Adulteration of pinto beans. U. S. v. 86 Cartons * * *. (F. D. C. No. 32356. Sample Nos. 18948-L, 35276-L.)

LIBEL FILED: January 5, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about April 17 and July 6, 1951, from Glendive, Mont.

PRODUCT: 86 cartons, each containing 30 2-pound bags, of pinto beans at Fargo, N. Dak.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was musty and unfit for food. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 28, 1952. The International Elevator Co., Fargo, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

18173. Adulteration of canned peas. U. S. v. 24 Cases * * * *. (F. D. C. No. 32367. Sample No. 5903-L.)

LIBEL FILED: On or about January 3, 1952, District of Rhode Island.

ALLEGED SHIPMENT: On or about November 27, 1951, by the Naples Food Products, from Watertown, Mass.

PRODUCT: 24 cases, each containing 24 1-pound, 4-ounce cans, of peas at Providence, R. I.

LABEL, IN PART: (Can) "Naples Brand Ceci Chick Peas."

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.

DISPOSITION: February 8, 1952. Default decree of condemnation and destruction.

18174. Misbranding of canned peas. U. S. v. 72 Cases * * *. (F. D. C. No. 32357. Sample No. 22411-L.)

LIBEL FILED: January 7, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 21, 1951, by the Winorr Canning Co., from Circleville, Ohio.

PRODUCT: 72 cases, each containing 24 1-pound cans, of peas at New Orleans, La.

LABEL, IN PART: "Werthmor Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent; and its label failed to bear, as prescribed by regulations, a statement that the product fell below the standard of quality.

DISPOSITION: February 7, 1952. Default decree of condemnation and destruction.

18175. Adulteration of potatoes. U. S. v. 291 Sacks * * * (and 1 other seizure action). (F. D. C. Nos. 32340, 32350 to 32352, incl. Sample Nos. 27342-L, 27541-L to 27544-L, incl.)

LIBELS FILED: January 8, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about December 3, 1951, by V. L. Adams, from Sparks, Nev.

PRODUCT: 291 100-pound sacks and 257 100-pound bags of potatoes at San Francisco, Calif.

LABEL, IN PART: "VLA Brand Russet Potatoes."

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 parasitic worms.

DISPOSITION: February 14, 1952. L. Blumenthal & Sons, San Francisco, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency.

18176. Adulteration of sauerkraut. U. S. v. 147 Cases * * *. (F. D. C. No. 32345. Sample No. 7832-L.)

LIBEL FILED: January 2, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 11 and 24 and February 19, 1951, from Albion, N. Y.