

**19935. Adulteration of canned pork and beans. U. S. v. 173 Cases \* \* \* .**  
(F. D. C. No. 33692. Sample No. 4342-L.)

**LABEL FILED:** September 12, 1952, District of Vermont.

**ALLEGED SHIPMENT:** On or about August 14, 1952, by the H. J. McGrath Co., from Baltimore, Md.

**PRODUCT:** 173 cases, each containing 24 1-pound, 14-ounce cans, of pork and beans at Burlington, Vt.

**LABEL, IN PART:** (Can) "Much-More Brand \* \* \* Pork and Beans With Tomato Sauce."

**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 decomposed tomato material.

**DISPOSITION:** On November 18, 1952, the court ordered that each case of the product be opened and examined to determine the code marks on the cases and the condition of the contents. On February 10, 1953, the court ordered that the product under seizure be released to the custody of the claimant, the H. J. McGrath Co., or to the Burlington Grocery Co., the agent for the claimant, for the purpose of segregation of the unfit portion of the product from the fit portion, under the supervision of the Food and Drug Administration. 29 cases and 14 cans of the product having been found unfit, judgment of forfeiture was entered against the unfit portion on March 25, 1953, and the court ordered that this portion be destroyed.

**19936. Adulteration and misbranding of canned corn. U. S. v. 163 Cases \* \* \* .**  
(F. D. C. No. 34038. Sample No. 4346-L.)

**LABEL FILED:** October 21, 1952, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about August 27, 1952, by the Associated Cannery Corp., from Baltimore, Md.

**PRODUCT:** 163 cases, each containing 6 cans, of corn at Tuscaloosa, Ala.

**LABEL, IN PART:** "Queen Anne Brand Cream Style Golden Sweet Corn Contents 1 Lb. 4 Oz."

**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 parts.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 1 Lb. 4 Oz." was inaccurate. (Examination showed that each can contained more than 7 pounds of the product.)

**DISPOSITION:** November 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**19937. Misbranding of canned peas. U. S. v. 100 Cases \* \* \* .**  
(F. D. C. No. 34012. Sample No. 3747-L.)

**LABEL FILED:** October 10, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 19, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 100 cases, each containing 24 1-pound, 4-ounce cans, of peas at Cincinnati, Ohio.

**LABEL, IN PART:** "Old Reliable Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas because of excessively ruptured peas and the alcohol-insoluble solids was more than 23.5 percent, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** October 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

**19938. Adulteration of potatoes. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 33685. Sample No. 55234-L.)**

**LIBEL FILED:** September 10, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 19, 1952, by Reed & Perrine, Inc., from Tennent, N. J.

**PRODUCT:** 100 100-pound bags of potatoes at Warren, Pa.

**LABEL, IN PART:** "New Jersey Potatoes Mount & Pullen Hightstown, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its abnormal flavor, rendering it unpalatable.

**DISPOSITION:** November 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as hog feed.

#### TOMATOES AND TOMATO PRODUCTS

**19939. Adulteration of canned tomatoes. U. S. v. 346 Cases \* \* \*. (F. D. C. No. 34013. Sample No. 61113-L.)**

**LIBEL FILED:** On or about October 14, 1952, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about September 24, 1952, by the Rush Canning Co., from Exeter, Mo.

**PRODUCT:** 346 cases, each containing 24 1-pound cans, of tomatoes at Tulsa, Okla.

**LABEL, IN PART:** "Jimjo Tomatoes."

**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 fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 3, 1952. Default decree of condemnation and destruction.

**19940. Misbranding of canned tomatoes. U. S. v. 1,521 Cases \* \* \*. (F. D. C. No. 33938. Sample No. 4732-L.)**

**LIBEL FILED:** On or about October 16, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about September 22, 1952, by the Torsch Canning Co., from Milford, Del.

**PRODUCT:** 1,521 cases, each containing 24 1-pound cans, of tomatoes at Landover, Md.

**LABEL, IN PART:** "Gardenside Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Tomatoes" was false and misleading as applied to cans containing string beans and lima beans; and, Section 403 (b), string beans and lima beans were offered for sale under the name of another food, tomatoes. Examination disclosed that some of the cans contained tomatoes, some cans string beans, and some cans lima beans.