

It was alleged to be misbranded in that the statement "Standard Quality" was false and misleading as applied to substandard canned peas. It was alleged to be misbranded further 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 October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed after 30 days unless taken down under bond by the owner. On December 14, 1940, the judgment was amended to permit delivery of the goods to a charitable institution in lieu of destruction.

1142. Misbranding of canned peas. U. S. v. 340 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3298. Sample No. 14539-E.)

On October 28, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 340 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Charles Mills from Lewes, Del.; and charging that it was misbranded. It was labeled in part: (Cans) "Holsum Brand Early June Peas * * * Distributed by B. H. Holsinger Ridgely, Md."

The article was alleged to be misbranded in that it purported to be a food for which standards of quality and fill of container had been prescribed by regulations as provided by law, but its quality and fill of container fell below standards; and its label failed to bear in such manner and form as the regulations specify, statements that it fell below such standards.

On November 15, 1940, Albert W. Sisk & Son, of Aberdeen, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

1143. Adulteration of canned pork and beans. U. S. v. 130 Cases of Canned Pork and Beans. Default decree of condemnation and destruction. (F. D. C. No. 2203. Sample No. 13200-E.)

The tomato sauce in this product contained excessive mold.

On June 15, 1940, the United States attorney for the District of Idaho filed a libel against 130 cases of canned pork and beans at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Dinnerette Brand Pork and Beans with Tomato Sauce."

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1144. Adulteration of canned spinach. U. S. v. 18 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 2197. Sample No. 15195-E.)

This product was decomposed.

On June 10, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 18 cases of canned spinach at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Bentonville Canning Co., from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Conrad's * * * Darnoc Brand Spinach * * * J. F. Conrad Grocer Company."

On July 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

1145. Misbranding of canned tomatoes. U. S. v. 31 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2691. Sample No. 20122-E.)

This product was substandard because it contained excessive peel, and such fact was not indicated in the labeling.

On August 26, 1940, the United States attorney for the Middle District of Georgia filed a libel against 31 cases of canned tomatoes at Thomasville, Ga.,

alleging that the article had been shipped in interstate commerce on or about July 11, 1940, by the Mitchell Canneries, Inc., from Fort Meade, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Crimson Tide Brand Tomatoes."

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 October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1146. Adulteration of tomato catsup. U. S. v. 200 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2152. Sample No. 12552-E.)

This product contained worm and insect fragments.

On or about June 11, 1940, the United States attorney for the Southern District of Texas filed a libel against 200 cases of tomato catsup at Harlingen, Tex., alleging that the article had been shipped in interstate commerce on or about May 1, 1940, by the California Conserving Co., Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Monitor Brand Tomato Catsup."

On August 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1147. Adulteration and misbranding of tomato catsup. U. S. v. 107 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2472. Sample No. 6312-E.)

This product contained worm and insect fragments.

On August 1, 1940, the United States attorney for the District of New Mexico filed a libel against 107 cases of tomato catsup at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by the Delta County Canning Co. from Delta, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Bel-Dine Tomato Catsup Packed For Recorg Supply Corporation Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be misbranded in that the statement in the labeling, "All products Bearing This Label Are Guaranteed To Comply with the Pure Food Laws," was false and misleading.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1148. Adulteration of tomato catsup. U. S. v. 75 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2748. Sample No. 6616-E.)

This product contained worm and insect fragments.

On September 11, 1940, the United States attorney for the District of New Mexico filed a libel against 75 cases of tomato catsup at Las Vegas, N. Mex. (consigned by the Delta County Canning Co.), alleging that the article had been shipped in interstate commerce on or about February 27 and March 5, 1940, from Delta, Colo., to Raton, N. Mex., thence to Las Vegas, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "Town Talk Tomato Catsup."

On October 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1149 to 1157, inclusive (except No. 1151), report the seizure and disposition of tomato products which contained excessive mold, indicating the presence of decomposed material. The tomato paste described in 1151 contained worm and insect fragments.

1149. Adulteration of tomato catsup. U. S. v. 51 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2306. Sample No. 26231-E.)

This product contained excessive mold indicating the presence of decomposed material.