distributor; whereas they did not consist of immature succulent peas but did consist in whole or in part of mature dried peas, and Edwin Smithson Co., Inc., New York, N. Y., was not the distributor of the article.

On November 29, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $10.

1301. Adulteration of canned peas. U. S. v. 234 and 72 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2190. Sample No. 33096-E.)

This product was decomposed.

On June 12, 1940, the United States attorney for the Southern District of New York filed a libel against 306 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Fuhremann Canning Co. from Berlin, Wis.; 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: "Cambrian Brand Wisconsin Sweet Variety Peas * * * W. Sivek & Son Distributors New York, N. Y."

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1302. Adulteration of canned peas. U. S. v. 13 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2017. Sample No. 13183-E.)

This product contained weevils.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of canned peas at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand Sweet Peas Packed For Fine Foods, Inc., Seattle-Minneapolis."

The libel also charged adulteration of a lot of tomato catsup, as reported in notice of judgment No. 1307 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1303. Misbranding of candied yams. U. S. v. 198 Cases of Candied Yams. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1961. Sample No. 11009-E.)

This product was represented to be candied yams; whereas it contained little or no sirup and was in no sense candied.

On or about May 16, 1940, the United States attorney for the Southern District of Texas filed a libel against 198 cases of candied yams at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Pine Grove Canning Co. from St. Martinville, La.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Grove Brand Candied Golden Yams Candied with Pure Cane Sugar Syrup."

It was alleged to be misbranded in that the statements "Candied Golden Yams * * * Candied with Pure Cane Sugar Syrup" were false and misleading as applied to an article containing little or no sirup; and in that it was offered for sale under the name of another food.

On August 3, 1940, the Pine Grove Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling.

TOMATOES AND TOMATO PRODUCTS

1304. Misbranding of canned tomatoes. U. S. v. 52 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2521. Sample No. 9795-E.)

This product was substandard in quality because of poor color, and it was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 52 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Dorgan Packing Corporation from Crystal Springs,