vided by law, but it was substandard in quality in that the alcohol-insoluble solids were more than 23.5 percent, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 1, 1941, the McCoy Canned Foods Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

2457. Misbranding of canned peas. U. S. v. 124 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4554. Sample No. 59219–E.)

On or about May 1, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 124 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about June 29, 1940, by Gibbs & Co., Inc., from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "Gibbs Early June Peas."

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 May 16, 1941, Gibbs & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

2458. Misbranding of canned succotash. U. S. v. 75 Cases of Succotash. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4479. Sample No. 69023–E.)

This product was not of Fancy quality as represented because of the presence of old hard kernels of corn and nearly mature white beans.

On April 24, 1941, the United States attorney for the District of New Jersey filed a libel against 75 cases of succotash at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 28, 1940, by the Fairmont Canning Co. from Fairmont, Minn.; and charging that it was misbranded. The article was labeled in part: "Crest Brand Contents 1 Lb. 4 Oz. Fancy Crosby Succotash with Green Beans."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality; and in that the statement "With Green Beans" was false and misleading as applied to an article which contained mixed green and white beans.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after destruction of the labels.

2459. Adulteration and misbranding of canned okra and tomatoes. U. S. v. 49 Cases of Canned Okra and Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 3914. Sample No. 35845–E.)

This product was labeled to indicate that it was okra and tomatoes, whereas it consisted of cut okra and a small amount of added tomato puree or tomato juice.

On or about March 7, 1941, the United States attorney for the Northern District of Texas filed a libel against 49 cases of canned okra and tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by Pine Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated and misbranded. It was labeled in part "[vignette of whole tomato and whole and cut okra] * * * Pine Grove Brand Okra and Tomatoes."

The article was alleged to be adulterated in that cut okra and a small amount of added tomato puree or tomato juice had been substituted wholly or in part for okra and tomatoes. It was alleged to be misbranded in that the labeling was false and misleading.

On June 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.