2926. Misbranding of canned peas. U. S. v. 806 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 6082, 6126, 7123, 7125. Sample Nos. 40770-E, 40869-E, 80173-E, 87468-E.)

This product fell below the standard of quality for canned peas because of excessive mealiness.

Between October 28, 1941, and April 3, 1942, the United States attorneys for the District of New Jersey, Eastern District of Pennsylvania, Northern District of Ohio, and Southern District of West Virginia filed libels against the following quantities of canned peas: 806 cases each containing 24 No. 2 cans at Atlantic City, N. J.; 348 cases each containing 24 No. 2 cans at Philadelphia, Pa.; 36 cases each containing 24 No. 2 cans at Elyria, Ohio; and 60 cases each containing 24 No. 2 cans at Charleston, W. Va., alleging that the article had been shipped within the period from on or about July 11 to on or about December 3, 1941, by Phillips Packing Co. or Phillips Sales Co., Inc., from Newark, Del., and Cambridge, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Choptank [or "Phillips Delicious"] 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 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 November 19 and December 15, 1941, Phillips Packing Co. having appeared as claimant for the seizures at Atlantic City and Philadelphia, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On April 17 and May 21, 1942, no claimant having appeared for the seizures at Elyria and Charleston, judgments of condemnation were entered and it was ordered that the labels be removed and the product distributed to charitable organizations.

2927. Adulteration of canned spinach. U. S. v. 99 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 5438. Sample No. 67062-E.)

This product contained insects and insect fragments.

On August 26, 1941, the United States attorney for the Western District of Tennessee filed a libel against 99 cases, each containing 24 cans, of spinach at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Donelson & Poston from Barton, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance which rendered it unfit for food. The article was labeled in part: "Wilson Spinach * * * 1 Lb. 2 Ozs. Packed by Wilson Company Barton Arkansas."

On December 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

2928. Adulteration of canned tomatoes. U. S. v. 203 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 4216. Sample No. 60537-E.)

This product contained decomposed material, as evidenced by the presence of mold.

On April 3, 1941, the United States attorney for the District of Montana filed a libel against 203 cases, each containing 6 No. 10 cans, of tomatoes at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about October 4 and December 18, 1940, by H. D. Olson from Ogden, Utah; 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: "Craig's Perfection Brand Tomato in Puree."

On October 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2929. Misbranding of canned tomatoes. U. S. v. 322 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6175. Sample No. 87103-E.)

This product was substandard in quality because of excessive peel.

On November 5, 1941, the United States attorney for the District of Columbia filed a libel against 322 cases of canned tomatoes at Washington, D. C., alleging