

On September 27, 1941, Mason Canning Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3108. Misbranding of canned peas. U. S. v. 742 Cases, 21 Cases, and 368 Cases of Canned Peas. Portion of product ordered released under bond for relabeling; default decree of condemnation entered as to remainder, and product ordered delivered to a local charitable agency.** (F. D. C. Nos. 6253, 6696, 6809. Sample Nos. 59959-E, 87229-E, 87420-E.)

On or about November 19, 1941, and January 23 and February 10, 1942, the United States attorneys for the Northern District of West Virginia and the Western District of Virginia filed libels against 1,110 cases each containing 24 No. 2 cans of peas at Clarksburg, W. Va., and 21 cases each containing 24 No. 2 cans of peas at Winchester, Va., alleging that the article had been shipped in interstate commerce within the period from on or about June 26 to on or about October 7, 1941, by B. F. Shriver Co. from Littlestown, Pa., and Westminster, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "World's Favorite Brand [or "New Windsor Brand"] 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 since the alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 31, 1941, and March 21, 1942, B. F. Shriver Co. having appeared as claimant for the product seized at Clarksburg, it was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On March 26, 1942, no claimant having appeared for the peas at Winchester, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

Nos. 3109 and 3110 report the seizure and disposition of canned field peas that contained insect larvae.

**3109. Adulteration of canned field peas. U. S. v. 123 Cases of Canned Field Peas (and 4 other seizure actions against canned field peas). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5896 to 5900, incl. Sample Nos. 37095-E, 70106-E.)

On October 6, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 322 cases each containing 24 cans of peas at Fayetteville, N. C., and 219 cases each containing 24 cans of peas at Dunn, N. C., alleging that the article had been shipped in interstate commerce on or about September 1 and 8, 1941, by Georgia Canning Co., Inc., from Wayside, Ga.; 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: "Shaver's Brand Young Tender Field Peas with Snaps Contents 14½ Ozs. Avoir."

On January 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3110. Adulteration of canned field peas. U. S. v. 99 Cases of Canned Field Peas. Default decree of condemnation and destruction.** (F. D. C. No. 6288. Sample No. 48964-E.)

On November 29, 1941, the United States attorney for the Western District of South Carolina filed a libel against 99 cases of canned field peas at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 29, 1941, by the Kent Canning Co., from Gibson, Ga.; 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: (Cans) "Kent's Pride Georgia Field Peas With Snaps."

On January 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3111. Adulteration of canned spinach. U. S. v. 40 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 6856. Sample No. 71678-E.)

Examination showed that this product contained cocklebur.

On February 12, 1942, the United States attorney for the Western District of Tennessee filed a libel against 40 cases of canned spinach at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, by Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it contained an added deleterious substance,

cockleburs, which might have rendered it injurious to health. It was labeled in part: "Dependable Spinach."

On March 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3112. Misbranding of canned spinach. U. S. v. 26 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 6245. Sample No. 84508.)**

This product was not Fancy as labeled, because of the presence of yellow leaves and tough fibrous stems and leaves.

On November 18, 1941, the United States attorney for the Eastern District of New York filed a libel against 26 cases of canned spinach at Brooklyn, N. Y., alleging that the article was shipped in interstate commerce on or about April 12, 1941 by O. W. Bohannon, Inc., from Van Buren, Ark.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of yellow leaves and tough fibrous stems and leaves. The article was labeled in part: (Can) "Horn Brand Fancy Spinach \* \* \* Quality Guaranteed Einhorn's Inc. Distributors New York N. Y."

On February 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3113. Misbranding of canned mixed vegetables. U. S. v. 49 Cases of Vegetables for Salad. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6550. Sample No. 23705-E.)**

The ingredients of this product were lima beans, diced carrots, asparagus tips, green peas, and green string beans, and its label failed to bear the common or usual names of these ingredients.

On or about December 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 49 cases, each containing 24 15-ounce cans of mixed vegetables at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 2, 1941, by Clear Lake Cannery, Inc., of Upper Lake, Calif., from Oakland, Calif.; and charging that it was misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient. It was labeled in part: "'Good Things To Eat' Brand Vegetables for Salad."

On January 26, 1942, Fred Wolferman, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

#### TOMATOES AND TOMATO PRODUCTS

**3114. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 6394. Sample No. 81507-E.)**

Examination showed that this product was undergoing progressive decomposition.

On December 12, 1941, the United States attorney for the District of New Mexico filed a libel against 100 cases, each containing 48 cans, of tomatoes at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about January 3 and 10, 1940, by Geo. W. Goddard Co. 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: (Cans) "Ropak Brand Tomatoes With Puree Net Weight 14 Ounces Royal Canning Corporation Packers And Distributors Ogden, Utah."

On March 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3115. Adulteration of canned tomatoes. U. S. v. 84 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 5061. Sample No. 266-E.)**

Examination showed that this product was undergoing progressive decomposition.

On or about July 8, 1941, the United States attorney for the Northern District of Georgia filed a libel against 84 cases, each containing 6 cans, of tomatoes at East Point, Ga., alleging that the article had been shipped in interstate commerce on or about March 10, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The libel alleged that the article had been shipped by Kemp, Day & Co. from New York, N. Y., as indicated by records collected at the time of examination of the product but subsequent investigation disclosed that this firm acted as an agent and that the