

Brand [design pea vine with green peas and green pods] Peas Packed for Sentney Wholesale Grocery Co. Hutchinson, Kan."; and affixed to a number of other cans of such food a label containing, among others, the following statements and design "Of Course P-M Brand [design of dish of bright green peas] * * * Alaska Peas Packed for Pratt Mallory Co. Sioux City, Iowa, Sioux Falls, S. Dak. Standard Grade C."

That the acts of the defendants in affixing and causing such labels to be affixed to the cans resulted in the article being misbranded in that the statements "Peas" and "Packed for Sentney Wholesale Grocery Co., Hutchinson, Kan."; "Alaska Peas" and "Packed for Pratt Mallory Co., Sioux City, Iowa, Sioux Falls, S. Dak." and the designs aforesaid were false and misleading, since they represented that the article consisted of immature succulent peas, and in the case of the former that it had been packed for the Sentney Wholesale Grocery Co. of Hutchinson, Kans., and in the case of the latter that it had been packed for the Pratt-Mallory Co. of Sioux City, Iowa, and Sioux Falls, S. Dak., whereas the article consisted of mature dry peas and had not been packed for said firms. It was alleged to be further misbranded in that it consisted of mature dried peas and was offered for sale under the name of another article, "Peas" or "Alaska Peas", i. e., immature succulent peas.

On October 5, 1942, the defendants entered pleas of guilty and the court imposed a fine of \$100 against each.

4187. Misbranding of canned peas. U. S. v. 127 Cases of Foote's Best Early June Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 8379. Sample No. 24627-F.)

On September 18, 1942, the United States attorney for the Western District of Virginia filed a libel against 127 cases, each case containing 24 cans, of early June peas at Staunton, Va., alleging that the article had been shipped in interstate commerce on or about July 9, 1942, by D. E. Foote & Co., Inc., from Baltimore, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality has been prescribed by regulations as provided by law and its quality fell below such standard because the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 26, 1942, D. E. Foote & Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4188. Adulteration of canned green beans. U. S. v. 350 Cases and 1,172 Cases of Green Beans. Default decree of condemnation and destruction. (F. D. C. Nos. 8181, 8182. Sample Nos. 14003-F, 14005-F.)

On August 20, 1942, the United States attorney for the Southern District of California filed a libel against a total of 1,522 cases, each case containing 24 cans, of green beans at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 28 and June 29, 1942, by Quality Products, Inc., from La Feria, Texas; 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: "Westlake Brand Cut Green Beans," or "Curtis Cut Green Stringless Beans."

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

4189. Adulteration of canned green beans. U. S. v. 2,000 Cases and 456 Cases of Cut Green Beans. Decrees of condemnation. Product ordered released under bond for salvaging the fit portion. (F. D. C. Nos. 8374, 8651. Sample Nos. 4430-F, 4724-F.)

This product was underprocessed and in part decomposed.

On September 17 and October 28, 1942, the United States attorneys for the Southern District of Indiana and the Southern District of Ohio filed libels against 2,000 cases, each containing 24 cans, of string beans at Indianapolis, Ind., and 456 cases at Portsmouth, Ohio. Both lots had been shipped by the Stilwell Canning Co. from Stilwell, Okla., the former on or about June 14 and the latter on or about June 22, 1942. The libels alleged that the article had been shipped in interstate commerce and that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Nancy Lee Brand Cut Green Beans, * * * Packed by Steele Canning Co. Springdale, Ark.," or "Keep 'Em Flying Cut Green Beans."

On November 3 and December 5, 1942, the Stilwell Canning Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration.

4190. Misbranding of canned corn. U. S. v. 115 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 7385. Sample No. 80680-E.)

On July 13, 1942, the United States attorney for the Southern District of Ohio filed a libel against 115 cases, each containing 24 cans, of corn at Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, by A. W. Sisk & Son from Aberdeen, Md.; and charging that it was misbranded in that the term "Fancy," appearing on the label was false and misleading as applied to an article that was not fancy because it was over-mature and contained pieces of cob or husk. The article was labeled in part: (Cans) "Preston Brand Fancy Shoe Peg Corn Whole Kernel." On September 11, 1942, A. W. Sisk & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4191. Adulteration of canned mustard greens. U. S. v. 45 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. D. C. No. 7959. Sample No. 4502-F.)

This product contained insects.

On July 24, 1942, the United States attorney for the Southern District of Indiana filed a libel against 45 cases, each containing 24 cans, of mustard greens at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Bohannon Canning Company, Inc., from Van Buren, Ark.; 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) "Van Buren Arkansas, 'Home of Bob Burns' Mustard Greens Contents 1 Lb. 2 Oz."

On September 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4192. Adulteration of spinach. U. S. v. 14 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 7795. Sample No. 91601-E.)

On June 29, 1942, the United States attorney for the Northern District of Illinois filed a libel against 14 cases, each case containing 49 cans, of spinach at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 13, 1942, by the Val Vita Food Products Co. from Fullerton, Calif.; 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) "Blytheville Brand Spinach * * * Distributed by Grocery Trade Supply Co., Chicago, Ill."

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

4193. Adulteration of canned tomatoes. U. S. v. 696 Cases of Tomatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 8147. Sample No. 29529-F.)

A portion of this product was undergoing progressive spoilage.

On August 18, 1942, the United States attorney for the Northern District of Georgia filed a libel against 696 cases, each case containing 6 cans, of tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by Green Bros. from Seffner, Fla.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Old Glory Brand Tomatoes * * * Packed by Northwestern Canning & Packing Co., Seffner, Fla."

On September 22, 1942, Harman & Hulsey, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be separated and destroyed, under the supervision of the Food and Drug Administration.