4638. Misbranding of canned peas. U. S. v. 254 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 8966. Sample No. 20979–F.)

This product, in addition to being high in alcohol-insoluble solids, contained an excessive proportion of hard peas and its containers were slack filled.

On or about December 8, 1942, the United States attorney for the Western District of New York filed a libel against 254 cases, each containing 24 cans, of peas at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 27, 1942, by the Winchester Canning Co. from Canal Winchester, Ohio. The article was labeled in part: (Can) "Q Cu-Pee Brand P Medium Size Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as 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 it purported and was represented as a food for which a standard of fill of container had been prescribed by regulations but fell below such standard; and its label failed to bear, in such manner and form as the regulations specify, statements that it fell below such standards.

On January 16, 1943, the Winchester Canning Co. having appeared as claimant, 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.

4639. Misbranding of canned peas. U. S. v. 664 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 9127. Sample No. 31750–F.)

On January 6, 1943, the United States attorney for the Eastern District of Tennessee filed a libel against 664 cases of canned peas at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by the Winchester Canning Co. from Canal Winchester, Ohio. The article was labeled in part: "Winchester Brand Medium Size Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 11, 1943, the Cash & Haul Wholesale Grocery Co., Inc., Johnson City, Tenn., claimant, having admitted the allegations of the libel except as to the quantity (only 380 cases were seized), judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

4640. Misbranding of canned peas. U. S. v. 184 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8889. Sample No. 5905–F.)

On November 17, 1942, the United States Attorney for the Southern District of Iowa filed a libel against 184 cases, each containing 24 cans, of peas at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by the Waldo Canning Co. from Waldo, Wis. The article was labeled in part: (Cans) "Maplewood * * * Wisconsin Early Variety Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard since the article was a smooth-skin variety of peas and the alcohol-insoluble solids were more than 23.5 percent, whereas the regulations provide that the alcohol-insoluble solids of a smooth-skin variety of peas in container should not be 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 the standard.

On March 9, 1943, Winston and Newell Co. of Des Moines, Iowa, 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.