DISPOSITION: August 18, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8614. Misbranding of canned corn. U. S. v. 672 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16635. Sample No. 12009–H.)

LIBEL FILED: June 21, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 12, 14, and 21, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 672 cases, each containing 24 20-ounce cans, of corn at Providence, R. I.

LABEL, IN PART: "Leota Belle Cream Style Sweet Corn."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned corn, a food for which a definition and standard of identity has been prescribed by the regulations, but the label failed to bear the name of the food specified in the definition and standard of identity, i. e., "field corn."

DISPOSITION: October 16, 1945. The Morgan Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

8615. Adulteration of canned peas. U. S. v. Seymour Canning Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 15558. Sample Nos. 61651–F, 61653–F, 80756–F to 80758–F, incl.)

INFORMATION FILED: July 16, 1945, District of Wisconsin, against the Seymour Canning Co., a corporation, Seymour, Wis.

ALLEGED SHIPMENT: On or about July 28, 1944, from the State of Wisconsin into the State of Tennessee.

LABEL, IN PART: "Ontra [or "Good Fare"] Brand * * * Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained a poisonous and deleterious substance, borax, which was unsafe within the meaning of the law since it was a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: October 29, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of $1,000 was imposed.

8616. Misbranding of canned peas. U. S. v. The Eavey Co. Plea of nolo contendere. Fine, $500. (F. D. C. No. 15540. Sample No. 67979–F.)

INFORMATION FILED: May 31, 1945, Southern District of Ohio, against the Eavey Co., a corporation, Xenia, Ohio.

ALLEGED SHIPMENT: On or about August 29, 1944, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "Sun Bird Wisconsin Sweet Peas * * * Size 3 Canned Reedsburg Foods Packed by Reedsburg Foods Corp. Reedsburg, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Size 3" was false and misleading since it represented and suggested that the product consisted of graded canned peas of sieve size 3, whereas it consisted of peas which were ungraded for size; and, Section 403 (g) (2), the product purported to be and was represented as a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional pea ingredient present, i. e., "Early," or "June," or "Early June" peas.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since it was an Alaska or other smooth-skin variety of peas and the alcohol-insoluble solids content was more than 23.5 percent; and the label did not bear a statement that the article was substandard.

DISPOSITION: July 23, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $500.

8617. Misbranding of canned peas. U. S. v. Waldo Canning Co. Pleas of guilty. Fine, $1,000. (F. D. C. No. 16518. Sample Nos. 61276–F, 72732–F, 72733–F.)

INFORMATION FILED: August 21, 1945, Eastern District of Wisconsin, against the Waldo Canning Co., a corporation, Waldo, Wis.