PRODUCT: 400 cases, each containing 24 cans, of peas at Jersey City, N. J. The product was shipped unlabeled, and no written agreement existed between the shipper and consignee as to the labeling.

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard; Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents. Further misbranding, Section 403 (g) (2), its label failed to bear, as required by the regulations, the name of the food specified in the definition and standard of identity for canned peas.

DISPOSITION: November 13, 1945. J. H. Haar & Sons, Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10166. Adulteration of potato chips. U. S. v. 24 Cases of Potato Chips (and 6 other seizure actions against potato chips). Default decrees of condemnation and destruction. (F. D. C. Nos. 17615 to 17617, incl., 17638, 18184, 18185, 18200. Sample Nos. 4758–H, 4856–H, 4857–H, 4861–H to 4863–H, incl., 5111–H, 7355–H.)

LIBELS FILED: Between September 27 and October 24, 1945, District of Delaware and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and 20, 1945, by the Hygrade Bakery, from Philadelphia, Pa.

PRODUCT: Potato Chips. 30 cases at Wilmington, Del.; 88 cases at Trenton, N. J.; 23 cases at Camden, N. J.; 125 cases at Collingswood, N. J.; and 35 8-ounce bags and 75 4-ounce bags at Perth Amboy, N. J. Each case contained 12 8-ounce bags of the product.

LABEL, IN PART: "Hygrade Golden Crisp Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (portions) the article was unfit for food by reason of the presence of worm holes; (remainder) it was unfit for food by reason of the presence of worm holes and by reason of having been prepared from potatoes, some of which were green, some of which were decomposed, and some of which were wormy.

DISPOSITION: Between October 24 and December 26, 1945. No claimant having appeared, judgments of condemnation were entered and all lots of the product were ordered destroyed.

10167. Adulteration of potato chips. U. S. v. 99 Dozen Bags and 80 Dozen Bags of Potato Chips. Default decrees of condemnation and destruction. (F. D. C. Nos. 17291, 17329. Sample Nos. 249–H, 791–H.)

LIBELS FILED: August 23 and 29, 1945, Middle District and Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 24 and 31, 1945, by the Maxine Sandwich Co., from Greenville and Pelzer, S. C.

PRODUCT: 179 dozen ¾-ounce bags of potato chips at Charlotte and Sanford, N. C.

LABEL, IN PART: "Maxine's Little Dinner Potato Chips Grade 'A' Ingredients: Selected potatoes, Vegetable Shortening, Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the 2 shipments of the article contained approximately 32 and 35 percent, respectively, of added mineral oil, a deleterious substance which may have rendered it injurious to health; Section 402 (b) (1), a valuable constituent, vegetable shortening, had been in whole or in part omitted from the article; Section 402 (b) (2), a substance consisting of potato chips with added nonnutritive mineral oil had been substituted in whole or in part for potato chips with vegetable shortening, which the article was represented to be; and, Section 402 (b) (4), mineral oil had been mixed and packed with the article so as to reduce its quality or strength.

DISPOSITION: October 6 and 15, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.