12138. Misbranding of canned peas. U. S. v. 122 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22184, 22242. Sample Nos. 40884–H, 64833–H.)

LIBELS FILED: January 13 and February 3, 1947, Eastern District of New York and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 29 and November 15, 1946, by the J. B. Inderrieden Co., from Barron, Wis., and Chicago, Ill.

PRODUCT: 122 cases, each containing 24 cans, of peas at Brooklyn, N. Y., and 572 cases, each containing 24 unlabeled cans, of the same product at St. Louis, Mo.

LABEL, IN PART: (Brooklyn lot) "Contents 1 Lb. 4 Oz. Pewaukee Lake Large Size 4 June Peas." The labeling agreement between the shipper and the consignee of the St. Louis lot provided that the peas were to be labeled as standard.

NATURE OF CHARGE: St. Louis lot. Misbranding, Section 402 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations, the name of the food specified in the definition and standard of identity for canned peas.

Both lots. Misbranding, Section 403 (h) (1), the article fell below the standard because of an excess of alcohol-insoluble solids.

Brooklyn lot. Misbranding, Section 403 (h) (2), the article fell below the standard with respect to fill of containers.

DISPOSITION: April 30 and May 7, 1947. The J. B. Inderrieden Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

12139. Misbranding of canned peas. U. S. v. 256 Cases * * *. (F. D. C. No. 22288. Sample No. 42112–H.)

LIBEL FILED: February 13, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 29, 1946, by the Crites Milling Co., from Ashville, Ohio.

PRODUCT: 256 cases, each containing 24 1-pound, 4-ounce cans, of peas at Charleston, W. Va.

LABEL, IN PART: "Sweet Home Brand Grade C Sifted Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 12, 1947. The Crites Milling Co., Circleville, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12140. Misbranding of canned peas. U. S. v. 1,742 Cases * * *. (F. D. C. No. 22470. Sample Nos. 66029–H, 66032–H.)

LIBEL FILED: February 5, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about January 7, 1947, by Baltimore Markets, Inc., from Philadelphia, Pa. This was a return shipment by the consignee, to the original shipper.

PRODUCT: 1,742 cases, each containing 24 1-pound, 4-ounce cans, of peas at Tigerton, Wis.

LABEL, IN PART: "Our Brand Early Peas * * * Distributed By Baltimore Markets, Inc., Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: March 4, 1947. Gladys Swanke and L. C. Bucksieb, administratrix and administrator, respectively, of the estate of John Swanke, deceased, claimants, having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.