

PRODUCT: 24 98-pound bags of brown beans and 10 150-pound bags of thyme at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. No claimant having appeared for the brown beans, a decree of condemnation and destruction was entered.

December 20, 1951. Albert Ehlers, Inc., Brooklyn, N. Y., claimant for the thyme, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be salvaged under the supervision of the Food and Drug Administration. Of the 1,486 pounds seized, 1,206 pounds were salvaged as good, and the rejected portion was denatured.

18424. Misbranding of canned peas. U. S. v. 125 Cases * * *. (F. D. C. No. 31960. Sample No. 22102-L.)

LIBEL FILED: On or about November 8, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 8, 1951, by the Delta Canning, Co., Inc., from Raymondville, Tex.

PRODUCT: 125 cases, each containing 48 15-ounce cans, of peas at Tylertown, Miss.

LABEL, IN PART: (Can) "Delco Brand Alaska Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations; and the label of the article failed to bear the name of the optional pea ingredient present. (The definition and standard provides that the label for canned peas shall name the optional pea ingredient present in the article by the use of the words "Early," "June," or "Early June," and that such words shall immediately and conspicuously precede or follow the name of the optional pea ingredient without intervening written, printed, or graphic matter.)

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because the alcohol-insoluble solids of the article were in excess of 23.5 percent, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 18, 1952. The Delta Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

18425. Adulteration of canned sweetpotatoes. U. S. v. 80 Cases * * *. (F. D. C. No. 32008. Sample No. 25662-L.)

LIBEL FILED: November 9, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: During or about the month of May 1951, from Federalburg, Md.

PRODUCT: 80 cases, each containing 24 1-pound, 13-ounce cans, of sweetpotatoes at Philadelphia, Pa.