

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening due to freezing.

DISPOSITION: January 15, 1953. Decree of condemnation and destruction.

20276. Adulteration and misbranding of canned lima beans and misbranding of canned peas. U. S. v. George W. Jones (Fresh Canning Co., Inc.). Plea of nolo contendere. Fine, \$350. (F. D. C. No. 33857. Sample Nos. 14990-L, 22700-L, 22701-L, 56512-L.)

INFORMATION FILED: March 6, 1953, Eastern District of Oklahoma, against George W. Jones, president of Fresh Canning Co., Inc., Spiro, Okla.

ALLEGED SHIPMENT: Between the approximate dates of January 16 and May 21, 1952, from the State of Oklahoma into the States of Louisiana, Tennessee, and Nebraska.

LABEL, IN PART: "Baby Shug Green & White Baby Lima Beans [or "Baby Shug Alaska Variety Early June Peas"] Packed By Fresh Canning Co., Spiro, Okla."

NATURE OF CHARGE: Lima beans. Adulteration, Section 402 (b) (2), a canned product, the vegetable ingredient of which was obtained by preparation from dried soaked lima beans, had been substituted for canned lima beans, a canned product, the vegetable ingredient of which is obtained by preparation from succulent lima beans, which the article was represented to be. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned lima beans since the vegetable ingredient was prepared from dried soaked lima beans instead of succulent lima beans as required by the standard.

Peas. Misbranding, Section 403 (g) (2), the product 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 its label failed to bear, as required by the standard, the name of the optional pea ingredient present since the pea ingredient present consisted of dried soaked peas and the label bore the statement "Alaska Variety Early June Peas"; and, Section 403 (h) (1), the product fell below the standard of quality for canned peas of the Alaska variety since the alcohol-insoluble solids of the peas were more than 23.5 percent and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: March 31, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$350.

20277 Adulteration and misbranding of canned peas. U. S. v. 142 Cases, etc. (and 1 other seizure action). (F. D. C. No. 33865. Sample Nos. 27685-L to 27687-L, incl., 41893-L, 41894-L.)

LABEL FILED: September 23, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about July 7, 1952, by Cal State Sales, from Milton and Freewater, Oreg.

PRODUCT: Peas. 251 cases, each containing 6 unlabeled No. 10 cans, and 198 cases, each containing 48 unlabeled picnic size cans, at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (251-case lot) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1) and (2), (both lots) the product 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 con-

tents; and, Section 403 (g) (2), (both lots) the product 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 its label failed to bear the name of the food specified in the definition and standard and the name of the optional pea ingredient present in the product. Further misbranding, Section 403 (h) (2), (198-case lot) the product fell below the standard of fill of container for canned peas, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 13, 1952. Leon R. James, San Jose, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be reconditioned and relabeled under the supervision of the Federal Security Agency. 90 cases of the product were found unfit and were destroyed, and the remainder were satisfactorily relabeled.

20278. Misbranding of canned dried peas. U. S. v. 24 Cases * * *. (F. D. C. No. 34900. Sample No. 59419-L.)

LIBEL FILED: March 20, 1953, Southern District of Georgia.

ALLEGED SHIPMENT: On or about January 24, 1953, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: 24 cases, each containing 48 15-ounce cans, of dried peas at Augusta, Ga.

LABEL, IN PART: (Can) "Old Glory * * * Glorified Dried Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas since the skins of more than 25 percent by count of the peas in the container of the article were ruptured to a width of $\frac{1}{16}$ inch or more and the alcohol-insoluble solids of the peas were more than 23.5 percent, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: May 20, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

20279. Adulteration of canned black-eyed peas. U. S. v. 96 Cases * * *. (F. D. C. No. 34582. Sample No. 30248-L.)

LIBEL FILED: February 11, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about December 3, 1952, by the Good Canning Co., from Fort Smith, Ark.

PRODUCT: 96 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Seattle, Wash.

LABEL, IN PART: (Can) "Dependable Brand * * * Fresh Shelled Blackeye Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-damaged peas.

DISPOSITION: June 15, 1953. Default decree of condemnation and destruction.

20280. Adulteration of canned chick-peas. U. S. v. 46 Dozen Cans * * *. (F. D. C. No. 34672. Sample No. 49298-L.)

LIBEL FILED: February 17, 1953, District of New Jersey.