

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.

ALLEGED SHIPMENT: On or about October 8, 1952, by the U. S. Canning Corp., from Long Island City, N. Y.

PRODUCT: 46 dozen cans of chick-peas at Bayonne, N. J.

LABEL, IN PART: (Can) "U. S. Brand Chick Peas Net Contents 1 Lb. 4 Ozs. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of discoloration.

DISPOSITION: May 14, 1953. Default decree of condemnation and destruction.

20281. Misbranding of canned brown Crowder peas. U. S. v. 198 Cases * * *.
(F. D. C. No. 34902. Sample No. 2381-L.)

LIBEL FILED: On or about March 26, 1953, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 6, 1953, by Delta Canning Co., Inc., from Raymondville, Tex.

PRODUCT: 198 cases, each containing 24 15-ounce cans, of brown Crowder peas at Atlanta, Ga.

LABEL, IN PART: (Can) "Fresh Shelled Frost Brown Crowder Peas."

NATURE OF CHARGE: Adulteration, Section 403 (a), the label statement "Fresh Shelled * * * Crowder Peas" was false and misleading as applied to the product, which was soaked dried field peas of clay variety.

DISPOSITION: April 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as human food.

TOMATOES AND TOMATO PRODUCTS

20282. Adulteration of canned tomatoes. U. S. v. 1,296 Cases * * *. (F. D. C. No. 34522. Sample No. 36484-L.)

LIBEL FILED: January 5, 1953, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 12 and 26 and September 8, 1952, by the G. S. Suppiger Co., from Lebanon, Ind.

PRODUCT: 1,296 cases, each containing 24 1-pound cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: (Can) "Brooks Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 1, 1953. The G. S. Suppiger Co., 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, conditioned that the portion of the product coded "OHB - 8" should be segregated into a special lot and released to the claimant for sale and that the remainder of the product should be brought into compliance with the law, all under the supervision of the Federal Security Agency. Pursuant to the decree, 425 $\frac{1}{2}$ cases of the product were segregated and released to the claimant and the remainder reprocessed into barbecue sauce.

20283. Adulteration of canned tomatoes. U. S. v. 1,235 Cases * * *. (F. D. C. No. 34492. Sample No. 53179-L.)

LIBEL FILED: December 18, 1952, Western District of Missouri.