20686. Misbranding of canned cooked dried peas. U. S. v. 35 Cases * * *. (F. D. C. No. 35366. Sample No. 69133–L.)

LIBEL FILED: July 28, 1953, District of New Mexico.

ALLEGED SHIPMENT: On or about December 12, 1952, and June 15, 1953, by the Kimbell Food Products Co., from Fort Worth, Tex.

PRODUCT: 35 cases, each containing 48 cans, of cooked dried peas at Hobbs, N. Mex.

LABEL, IN PART: (Can) "Diamond Brand Early June Peas Prepared From Dry Stock Cooked Dried Early June Peas, Water, Sugar and Salt Added * * * Contents 15½ Oz. Avoir."

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, as required by the definition and standard, the name of the optional pea ingredient present in the article in that the pea ingredient present in the article consisted of dried peas of smooth-skin variety and was designated on the label of the article by the use of the words "Early June Peas." The definition and standard provide that the label for canned peas containing the pea ingredient present in the article shall name such pea ingredient by use of the words "Dried Early," "Dried June," or "Dried Early June," and that wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words "Dried Early," "Dried June," or "Dried Early June," shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

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

DISPOSITION: August 26, 1953. The Kimbell Food Products Co., claimant, having admitted the essential allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

20687. Adulteration of potatoes. U. S. v. 360 Bags, etc. (F. D. C. No. 35394. Sample Nos. 66186–L to 66189–L, incl.)

LIBEL FILED: August 26, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 16, 1953, by A. Shrier & Sons, from Jovista, Calif.

PRODUCT: 720 100-pound bags of potatoes at Chicago, Ill.

LABEL, IN PART: (Bag) "Linda Brand California Potatoes Packed by A. Shrier and Sons Delano, California Jasmin District."

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 insects.

DISPOSITION: September 22, 1953. The Illinois Central Railroad Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.