

product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2735. Adulteration of canned peas and carrots. U. S. v. 20 Cases of Canned Peas and Carrots. Default decree of condemnation and destruction. (F. D. C. No. 5775. Sample No. 61365-E.)

Examination of this product showed that the peas contained weevils.

On September 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 cases of canned peas and carrots at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by Nelson Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Dinette * * * Dried Sweet Peas and Diced Carrots."

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2736 and 2737 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

2736. Misbranding of canned peas. U. S. v. 89 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered distributed to charitable institutions. (F. D. C. Nos. 5816, 5834, 5878, 6338. Sample Nos. 56288-E, 74040-E, 74487-E, 74833-E.)

On or about September 24 and 29 and on December 3, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against 89 cases each containing 24 No. 2 cans of peas at Jersey City, 323 cases each containing 24 No. 2 cans of peas at Clifton, and 1,053 cases each containing 24 No. 2 cans of peas at Irvington, N. J., and 29 cases each containing 24 No. 2 cans of peas at New Haven, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about February 17 to on or about June 24, 1941, by Lineboro Canning Co., in part from Baltimore and in part from Lineboro, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Rugby [or "Taste Best"] Brand Early June Peas Packed By Lineboro Canning Co., Inc. Lineboro, Md.," or "Cargo Early June Peas * * * United Grocery Co. Distributors Irvington, N. J."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 18 and 23, 1941, no claimant having appeared for the product seized at Jersey City and New Haven, judgments of condemnation were entered and it was ordered distributed to charitable institutions on condition that the labels first be destroyed. On December 23, 1941, and March 25, 1942, Lineboro Canning Co., claimant for the 323 cases seized at Clifton, and United Grocery Co., claimant for the 1,053 cases seized at Irvington, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2737. Misbranding of canned peas. U. S. v. 66 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3589. Sample No. 28967-E.)

On December 28, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 66 cases of canned peas at Charles Town, W. Va., alleging that the article had been shipped in interstate commerce on or about July 6 and 15, 1940, by D. C. Winebrenner & Son, Inc., to the place of business of the shipper, Charles Town, W. Va.; and charging that it was misbranded. The article was labeled in part: "Carroll County Brand Early June Peas Contents 1 Lb. 4 Ozs. Packed by Bankert Bros. Hampstead, Md."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below the said standard.

On January 29, 1942, no claimant having appeared, judgment was entered finding the product misbranded but providing that it be delivered to a charitable institution for the use of that institution.

2738. Adulteration of canned spinach. U. S. v. 83 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 5080. Sample No. 25729-E.)

Examination showed that this product was undergoing active chemical decomposition.

On July 3, 1941, the United States attorney for the Middle District of Alabama filed a libel against 83 cases, each containing 6 cans, of spinach at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by George F. Porbeck Brokerage Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "D and W * * * Contents 6 Lbs. 2 Ozs. Spinach Packed By Dodgen & Wilson Canning Co. Barton, Ark."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2739. Adulteration of canned spinach. U. S. v. 800 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 5602. Sample Nos. 79827-E, 79828-E.)

This product had undergone chemical decomposition and was otherwise unfit for food because of its metallic and astringent taste.

On August 30, 1941, the United States attorney for the Southern District of Ohio filed a libel against 800 cases of canned spinach at Lebanon, Ohio, alleging that the article had been shipped in interstate commerce on or about June 23 and July 10, 1941, by Wilson Canning Co. from Barton, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. The article was unlabeled.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 2740 to 2752 (except 2741) report actions based on the shipment of tomatoes and tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

2740. Adulteration of tomato catsup. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 4192. Sample Nos. 29446-E, 43241-E, 47446-E, 62416-E.)

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against Fettig Canning Corporation, alleging shipment within the period from on or about October 24, 1940, to on or about May 22, 1941, from the State of Indiana into the States of Ohio, Oklahoma, and Illinois, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sunbeam Tomato Catsup Francis H. Leggett & Co. Distributors, New York, N. Y."; "Belle Isle * * * Tomato Catsup * * * Distributed By Collins-Dietz-Morris Co. Oklahoma City, Tulsa, Lawton"; or "Tolman's Tomato Catsup * * * Distributed By * * * The Warfield Company Chicago, Ill."

On April 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

2741. Adulteration of tomato catsup and chili sauce. U. S. v. Kern Food Products, Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 5576. Sample Nos. 53224-E, 60265-E.)

These products contained worm and insect fragments.

On March 11, 1942, the United States attorney for the Southern District of California filed an information against Kern Food Products, Inc., a corporation, Los Angeles, Calif., alleging shipment on or about March 31 and May 20, 1941, from the State of California into the States of Washington and Arizona, of quantities of tomato catsup and chili sauce that were adulterated. The articles were labeled in part: "Kern's Pure Chili Sauce," or "California Club Pure Tomato Catsup."