

DISPOSITION: September 10, 1948. Default decree of condemnation and destruction. On September 14, 1948, the decree was amended to provide for delivery of the product to a Federal institution.

**14634. Adulteration and misbranding of canned black-eyed peas. U. S. v. 89 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25851, 25869. Sample Nos. 96-K, 1202-K.)**

LABELS FILED: On or about October 18 and November 1, 1948, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about January 2, 1948, by the Thomas & Drake Canning Co., from Haskell, Okla.

PRODUCT: 146 cases, each containing 48 15-ounce cans, of black-eyed peas at Charleston and Conway, S. C.

LABEL, IN PART: (Can) "Elm Black Eye Peas Contents 15 Ozs. Avd."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the product were so filled as to be misleading.

Adulteration, Section 402 (b) (2), (Conway lot) a product containing added water had been substituted in whole or in part for black-eyed peas. (The cans in both lots contained fewer black-eyed peas than they should have contained, and the Conway lot contained excessive packing medium.)

DISPOSITION: January 11, 1949. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**14635. Misbranding of canned peas. U. S. v. De Graff Packing Co. Plea of guilty. Fine, \$500. (F. D. C. No. 25613. Sample No. 2908-K.)**

INFORMATION FILED: March 4, 1949, Southern District of Ohio, against the De Graff Packing Co., a corporation, De Graff, Ohio.

ALLEGED SHIPMENT: On or about January 17, 1948, from the State of Ohio into the State of Virginia.

LABEL, IN PART: "Miami Leader Early Peas The De Graff Food Co. De Graff, O."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

DISPOSITION: April 14, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

**14636. Misbranding of canned peas. U. S. v. Eastern Shore Canning Co., Inc. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 11381. Sample Nos. 20238-F, 20239-F, 23717-F, 34217-F, 46344-F, 46369-F, 46370-F.)**

INFORMATION FILED: May 16, 1944, Eastern District of Virginia, against the Eastern Shore Canning Co., Inc., Machipongo, Va.

ALLEGED VIOLATION: The information charged that the defendant shipped, on or about June 8, 14, 21, and 23, and July 26, 1943, 7 shipments of canned peas from the State of Virginia into the States of Pennsylvania, Massachusetts, and North Carolina. The information charged also that the defendant gave a false guaranty with respect to a lot of canned peas to Albert W. Sisk & Son of Preston and Aberdeen, Md., on or about July 15, 1939. The guaranty provided that all food shipped to the latter firm would be neither adulterated nor misbranded.