

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

within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about June 14, 1943, the defendant sold and delivered to Albert W. Sisk & Son a number of cases of peas which were misbranded and which were shipped on June 14, 1943, by Albert W. Sisk & Son, from the State of Virginia into the State of Pennsylvania.

LABEL, IN PART: "Escco Brand Sweet Peas," "Eastern Shore Brand Sifted Early June Peas," or "Virginia's Best Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations for canned peas, in one or more of the following respects: An excessive proportion of the peas failed to meet the test for tenderness; the peas were excessively mealy, as shown by the high alcohol insoluble-solids content; and an excessive number of the peas were ruptured. The product failed to bear the substandard legend.

Further misbranding, Section 403 (h) (2), (1 lot) the product fell below the standard of fill of container for canned peas, and its label did not bear a statement that it fell below such standard.

DISPOSITION: March 16, 1949. A plea of nolo contendere having been entered, the defendant was fined \$350.

14637. Misbranding of canned peas. U. S. v. 540 Cases * * *. (F. D. C. No. 24425. Sample No. 26666-K.)

LIBEL FILED: January 30, 1948, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 15, 1946, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.

PRODUCT: 540 cases, each containing 24 1-pound, 4-ounce cans, of peas at Springfield, Ill.

LABEL, IN PART: "Myrna Brand Sifted Early June peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product 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: March 8, 1948. The Elkhart Lake Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

14638. Misbranding of canned peas. U. S. v. 399 Cases * * *. (F. D. C. No. 25035. Sample No. 27936-K.)

LIBEL FILED: July 15, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1946, by the Oostburg Canning Co., from Oostburg, Wis.

PRODUCT: 399 cases, each containing 24 1-pound, 4-ounce cans, at St. Louis, Mo.

LABEL, IN PART: "From the Heart of Dairyland Wisconsin Medium Early June Peas."

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: September 7, 1948. The Oostburg Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered