

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

and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. A total of 183 cases was found to be satisfactory, and the remainder of the product was relabeled with the substandard label.

14639. Adulteration of canned pimientos. U. S. v. 56 Cases, etc. (F. D. C. No. 25094, 25407. Sample Nos. 9213-K, 47965-K.)

LIBELS FILED: July 14 and August 20, 1948, District of New Jersey and Middle District of Pennsylvania.

ALLEGED SHIPMENT: In part, on or about October 10, 1946, by Langford & Taylor, from Meansville, Ga., to Jersey City, N. J., and in part, on or about July 15, 1948, by Swift & Co., from Jersey City, N. J., to Wilkes-Barre, Pa.

PRODUCT: Canned pimientos. 160 cases at Jersey City, N. J., and 56 cases at Wilkes-Barre, Pa. Each case contained 24 1-pound, 12-ounce cans.

LABEL, IN PART: "Mercedes Brand Broken Pieces Pimientos Packed by Langford & Taylor, Meansville, Georgia."

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

DISPOSITION: October 11 and 13, 1948. Langford & Taylor having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the fit portion be segregated and reconditioned and that the unfit portion be destroyed under the supervision of the Federal Security Agency. Of the 142 cases that were seized under the two libels, the reconditioning operations resulted in the recovery of 89 cases of passable product.

14640. Adulteration of Soyabits (ground soybeans). U. S. v. 33 Bags, etc. (F. D. C. Nos. 25713, 25714. Sample Nos. 45845-K, 45918-K.)

LIBELS FILED: October 18, 1948, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 10, 1948, from Chicago, Ill.

PRODUCT: 55 100-pound bags of Soyabits at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect excreta pellets. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 29, 1948. Default decrees of condemnation. The product was ordered sold to be denatured under the supervision of the Federal Security Agency and to be disposed of for purposes other than for human consumption.

TOMATOES AND TOMATO PRODUCTS*

14641. Adulteration and misbranding of canned tomatoes. U. S. v. 453 Cases * * *. (F. D. C. No. 24318. Sample No. 21128-K.)

LIBEL FILED: January 27, 1948, District of Kansas.

ALLEGED SHIPMENT: On or about August 14, 1947, by the Chamberlain Canning Co., from Anderson, Mo.

PRODUCT: 453 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Coffeyville, Kans.

*See also Nos. 14503-14506.