

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**412. Adulteration of pears. U. S. v. 26 Boxes of Pears. Default decree of condemnation and destruction.** (F. D. C. No. 1196. Sample No. 85665-D.)

On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended December 11, 1939) against 26 boxes of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by H. C. Myers from Boise, Idaho; and charging that it was adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health. It was labeled in part: (Box) "Beurre d'Anjou Extra Fancy \* \* \* Pears. Grown by Horace Myers Boise Idaho."

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**413. Adulteration and misbranding of oranges. U. S. v. 404 Bushels of Oranges in Bulk. Default decree of condemnation, forfeiture, and destruction.** (F. D. C. No. 1038. Sample Nos. 82976-D, 82977-D.)

Examination showed that 30 percent of these oranges had marked dryness in 20 percent or more of the exposed pulp when the oranges were cut transversely through the center; and therefore were below U. S. Grade No. 2 on account of excess percentage of oranges showing dryness.

On November 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 404 bushels of oranges in bulk at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by Palca Fruit Growers, Inc., from Lakeland, Fla.; and charging that it was adulterated and misbranded. Each orange was marked on the skin: "U. S. No. 2."

The article was alleged to be adulterated in that it was unfit for food because of dryness; in that a valuable constituent, juice, had been in whole or in part omitted or abstracted therefrom; in that a substance, dried oranges, had been substituted wholly or in part therefor; and in that the said damage or inferiority had been concealed.

It was alleged to be misbranded in that the statement "U. S. No. 2" was false and misleading when applied to oranges that were unfit for food and did not meet the requirements of the grade indicated.

On December 15, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

#### CANNED FRUITS AND VEGETABLES

**414. Adulteration of canned cherries. U. S. v. 71 Cases of Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 1361. Sample Nos. 83757-D, 90601-D.)

These canned cherries contained worms.

On January 18, 1940, the United States attorney for the District of Oregon filed a libel against 71 cases of canned cherries at Baker, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1939, by Pacific Fruit & Produce Co. from Yakima, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand \* \* \* Red Sour Pitted Cherries \* \* \* Packed for Fine Foods, Inc. Seattle Minneapolis."

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**415. Misbranding of canned cherries. U. S. v. 68 Cases of Cherries. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 1431. Sample No. 89133-D.)

This product was short of the declared weight.

On or about February 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 68 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by Keystone Cooperative Grape Association, Inc., from Erie, Pa.; and charging that it was misbranded in that the statement "Contents 1 Lb. 5 Oz." appearing upon the containers was false and misleading since it was incorrect; and in that it was in package form and did not bear

an accurate statement of the quantity of the contents. It was labeled in part: (Cans) "Rand-Co Brand Pitted Black Cherries \* \* \* Packed for Randolph Wholesale Grocery Co., Chicago, Ill."

On February 28, 1940, Keystone Cooperative Grape Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, to be relabeled under the supervision of this Department.

CANNED PEAS

**416. Adulteration and misbranding of canned peas. U. S. v. 14 Cases of Early June Peas. Default decree of condemnation and destruction. (F. D. C. No. 1168. Sample No. 68769-D.)**

This product was in interstate commerce and was labeled "Early June Peas." Investigation showed that it was canned dry peas, and also that it had been packed by a firm other than the one named on the label as the packer.

On December 11, 1939, the United States attorney for the District of New Jersey filed a libel against 14 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce or or about November 1, 1939, by York Star Canning Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Arlee Early June Peas \* \* \* Packed by Arlington Canning Co., Arlington, Wis."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas. It was alleged to be misbranded in that the statement "Early June Peas" and the design of peas in pods, borne on the label, were false and misleading, since it was canned soaked dry peas. It was alleged to be misbranded further in that the statement "Packed by Arlington Canning Co., Arlington, Wis." was false and misleading since it was packed by York Star Canning Co., Inc., New York, N. Y.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**417. Adulteration and misbranding of canned peas. U. S. v. 8 Cases of Canned Peas (and 2 other seizure actions involving canned peas). Default decrees of condemnation. Portion of product distributed to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 1140, 1141, 1144. Sample Nos. 68760-D, 68762-D, 68763-D, 68764-D.)**

This product consisted of canned dry peas and not early June peas as labeled.

On December 5 and 7, 1939, the United States attorney for the Southern District of New York filed libels against 17 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31 and November 7, 1939, by the Uco Food Corporation from Newark, N. J. On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended January 10, 1940) against 12 cases of canned peas at Brooklyn, N. Y., which had been consigned by Uco Food Corporation from Newark, N. J., on or about August 4 and November 10, 1939. A portion of the article was labeled in part: "Pultney Brand Early June Peas Packed by K. M. Davies Co., Inc. at Williamson, N. Y." The remainder was labeled in part: "Lawndale Brand \* \* \* Early June Peas \* \* \* Distributed By West Side Wholesale Grocery Co., Chicago, Ill."

The article was alleged to be adulterated in that dry peas had been substituted in whole or in part for early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," was false and misleading, since it was canned dry peas.

On December 28, 1939, and January 22, 1940, no claimant having appeared, judgments of condemnation were entered, and the lots seized at New York, N. Y., were ordered distributed to charitable institutions, and the lot seized at Brooklyn, N. Y., was ordered destroyed.

**418. Adulteration and misbranding of canned peas. U. S. v. 118 Cases of Early June Peas (and 9 other seizure actions against canned peas). Cases ordered consolidated. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 1142, 1149 to 1157, incl. Sample Nos. 68751-D to 68759-D, incl., 77706-D.)**

This product was canned dry peas. It was in interstate commerce and was labeled: "Early June Peas."

On December 5 and 9, 1939, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey filed libels against 118 cases of canned peas at Philadelphia, Pa., and 2,574 cases of canned peas