

at Newark, N. J., alleging that the lots at Newark, N. J., had been shipped in interstate commerce within the period from on or about August 11 to on or about November 9, 1939, by York Star Canning Co., from New York, N. Y., and that the lot at Philadelphia, Pa., had been shipped on or about August 29, 1939, by the Essex Warehouse Co., from Newark, N. J.; and charging that the article was adulterated and misbranded. The article was labeled variously in part: (Cans) "Pultney [or "Williamson"] Brand Early June Peas Packed by K. M. Davies Co., Inc. at Williamson, N. Y.;" "Lawndale [or "Compare"] Brand * * * Early June Peas Distributed by West Side Grocery Co. Chicago, Ill."

It was alleged to be adulterated in that dry peas had been substituted wholly 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 January 3, 1940, upon petition filed by the Amboy Food Corporation, claimant, the action instituted in the Eastern District of Pennsylvania was ordered transferred to the District of New Jersey for consolidation with the cases in that district. On February 15, 1940, the claimant having admitted the allegations of the libels and having consented to the entry of a decree in the consolidated cases, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

419. Adulteration and misbranding of canned peas. U. S. v. 58 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 1504. Sample No. 86270-D.)

This product was canned soaked dry peas and not early June peas as labeled.

On February 20, 1940, the United States attorney for the District of New Jersey filed a libel against 58 cases of canned peas at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by the Frederick City Packing Co. from Frederick, Md.; and charging that it was adulterated and misbranded. It was labeled in part: "Richland Brand Early June Peas."

Adulteration was alleged in that soaked dry peas had been substituted wholly and in part for early June peas. The article 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.

On March 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

420. Adulteration of canned field peas with snaps. U. S. v. 498 Cases of Field Peas with Snaps. Default decree of condemnation and destruction. (F. D. C. No. 647. Sample No. 66353-D.)

Examination of this product showed that it contained insect larvae and eggs.

On September 30, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 498 cases, each containing 24 cans of field peas with snaps, at Sumter, S. C., alleging that the article had been shipped in interstate commerce on or about August 21, 1939, by the R. O. Kelley Cannery from Mitchell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Kelley's Best."

On January 25, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

421. Adulteration of canned field peas with snaps. U. S. v. 23 Cases, 15 Cases, and 19 Cases of Canned Field Peas with Snaps. Default decrees of condemnation and destruction. (F. D. C. Nos. 911, 912, 913. Sample Nos. 82608-D, 82609-D, 82613-D.)

Examination of this product showed that it was insect-infested.

On or about November 14, 1939, the United States attorney for the Southern District of Florida filed libels against 23 cases of canned peas at Daytona Beach, Fla., and 34 cases of canned peas at Orlando, Fla., alleging that the article had been shipped in interstate commerce on or about September 6, 21, and 27, 1939, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Crine's Quality Field Peas with Snaps."