

distributor; whereas they did not consist of immature succulent peas but did consist in whole or in part of mature dried peas, and Edwin Smithson Co., Inc., New York, N. Y., was not the distributor of the article.

On November 29, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

**1301. Adulteration of canned peas. U. S. v. 234 and 72 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2190. Sample No. 33096-E.)**

This product was decomposed.

On June 12, 1940, the United States attorney for the Southern District of New York filed a libel against 306 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Fuhremann Canning Co. from Berlin, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cambrian Brand Wisconsin Sweet Variety Peas \* \* \* W. Sivek & Son Distributors New York, N. Y."

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1302. Adulteration of canned peas. U. S. v. 13 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2017. Sample No. 13183-E.)**

This product contained weevils.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of canned peas at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; 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 Sweet Peas Packed For Fine Foods, Inc., Seattle-Minneapolis."

The libel also charged adulteration of a lot of tomato catsup, as reported in notice of judgment No. 1307 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1303. Misbranding of candied yams. U. S. v. 198 Cases of Candied Yams. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1961. Sample No. 11009-E.)**

This product was represented to be candied yams; whereas it contained little or no sirup and was in no sense candied.

On or about May 16, 1940, the United States attorney for the Southern District of Texas filed a libel against 198 cases of candied yams at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Pine Grove Canning Co. from St. Martinville, La.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Grove Brand Candied Golden Yams Candied with Pure Cane Sugar Syrup."

It was alleged to be misbranded in that the statements "Candied Golden Yams \* \* \* Candied with Pure Cane Sugar Syrup" were false and misleading as applied to an article containing little or no sirup; and in that it was offered for sale under the name of another food.

On August 3, 1940, the Pine Grove Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling.

#### TOMATOES AND TOMATO PRODUCTS

**1304. Misbranding of canned tomatoes. U. S. v. 52 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2521. Sample No. 9795-E.)**

This product was substandard in quality because of poor color, and it was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 52 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Dorgan Packing Corporation from Crystal Springs,

Miss.; and charging that it was misbranded. It was labeled in part: (Cans) "Gulf Kist Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

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

**1305. Misbranding of canned tomatoes. U. S. v. 1,198 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2538. Sample No. 29118-E.)**

This product was substandard in quality because it contained excessive peel and was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Middle District of Georgia filed a libel against 598 cases of canned tomatoes at Macon, Ga. On August 22, 1940, the libel was amended to include an additional 600 cases of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about July 23 and August 1, 1940, by J. W. Holloway from Fort Pierce, Fla.; and that it was misbranded. The article was labeled in part: (Cans) "Royal King Brand Tomatoes \* \* \* Pomona Products Co. Main Office Griffin, Ga. [or "Packed by Holloway Canning Co. Ft. Pierce, Florida"]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 7, 1940, Ruan & Co., Macon, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the regulations.

**1306. Adulteration of tomato catsup. U. S. v. Beutel Pickling & Canning Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2071. Sample Nos. 75482-D, 81413-D, 81414-D.)**

This product contained excessive mold, indicating the presence of decomposed material.

On June 8, 1940, the United States attorney for the Eastern District of Michigan filed an information against the Beutel Pickling & Canning Co., a corporation at Bay City, Mich., alleging shipment on or about September 25 and October 4, 1939, from the State of Michigan into the States of Ohio and Pennsylvania, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Michigan Tomato Catsup"; or "Sunny Boy Brand \* \* \* Tomato Catsup Distributed by Potter-McCune Co. McKeesport, Pa."

On October 1, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**1307. Adulteration of tomato catsup. U. S. v. 13 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2016. Sample No. 13182-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of tomato catsup at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Gateway Brand Tomato Catsup \* \* \* Perry Canning Co. Perry, Utah."

The libel also charged adulteration of a lot of canned peas reported in notice of judgment No. 1302 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and both products were ordered destroyed.