

2923. Misbranding of canned corn. U. S. v. 160 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6397. Sample No. 79133-E.)

Examination showed that this product was not of Fancy quality because it was overmature.

On December 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 160 cases, each containing 24 No. 2 cans, of corn at Cincinnati, Ohio, which had been consigned on or about November 19, 1941, alleging that the article had been shipped in interstate commerce by Morgan-Adams Co., Inc., from Cayuga, Ind.; and charging that it was misbranded in that the term "Fancy," appearing on the label, was false and misleading as applied to an article that was not of Fancy quality because it was too mature. It was labeled in part: "Wabash Gold Fancy Golden Cross Bantam Corn."

On December 23, 1941, Morgan-Adams Co., Inc., 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 the Food and Drug Administration.

2924. Misbranding of canned peas. U. S. v. 1,665 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6104. Sample No. 16882-E.)

This product fell below the standard of quality for canned peas because of the presence of excessive pea pods and other harmless extraneous vegetable material. It also fell below the standard for fill of container.

On or about November 4, 1941, the United States attorney for the Western District of Missouri filed a libel against 1,665 cases, each containing 24 No. 2 cans, of peas at Kansas City, Mo., alleging that the article had been shipped on or about October 1, 1941, by Lapel Canning Co. from Lapel, Ind.; and charging that it was misbranded. It was labeled in part: "Lapel Brand Early June Peas."

The article was alleged to be misbranded (1) 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 failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard; and (2) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 30, 1941, Lapel Canning Co., 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 the Food and Drug Administration.

2925. Misbranding of canned peas. U. S. v. 299 Cases and 636 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6509, 6510. Sample Nos. 79048-E, 79050-E.)

This product fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that the alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

On December 13 and 16, 1941, the United States attorneys for the Eastern District of Kentucky and the Southern District of Ohio filed libels against 636 cases each containing 24 No. 2 cans of peas at Cincinnati, Ohio, which had been consigned on or about October 10 and 20, 1941, and 299 cases each containing 24 No. 2 cans of peas at Covington, Ky., alleging that the article had been shipped in interstate commerce by Morgan-Adams Co. from Cayuga, Ind., the 299 cases at Covington on or about August 18, 1941; and charging that it was misbranded. It was labeled in part: "Daisy Brand * * * Early June Peas."

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 failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 23, 1941, and January 14, 1942, Morgan-Adams Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.