

**3745. Misbranding of canned peas. U. S. v. 202 Cases of Canned Peas. Decree of forfeiture. Product ordered released under bond to be relabeled. (F. D. C. No. 6524. Sample No. 79053-E.)**

On December 16, 1941, the United States attorney for the Southern District of Indiana filed a libel against 202 cases of canned peas at Anderson, Ind., alleging that the article had been shipped in interstate commerce on or about August 12, 1941, by Ladoga Canning Co. from Washington Court House, Ohio; and charging that it was misbranded in that it was 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 May 5, 1942, the Ladoga Canning Co. having appeared as claimant, judgment was entered finding the product misbranded and ordering its forfeiture. Thereupon, the claimant filed a petition to relabel the goods, paid costs of the proceedings, and executed a bond; and the court ordered the product released to the claimant to be relabeled and disposed of in conformity with the law.

**3746. Misbranding of canned peas. U. S. v. 92 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7563. Sample No. 87593-E.)**

On May 27, 1942, the United States attorney for the District of Columbia filed a libel against 92 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by A. W. Sisk & Sons from Union Mills, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Carroco Brand Early June Peas Contents 1 Pound 4 Ounces Packed by John W. Humbert Union Mills, Md."

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 June 19, 1942, John W. Humbert, 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.

**3747. Misbranding of canned peas. U. S. v. 2,602 Cases and 258 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released unconditionally; remainder ordered released under bond for relabeling. (F. D. C. Nos. 6656, 7130. Sample Nos. 87281-E, 87461-E.)**

On January 6 and April 4, 1942 the United States attorney for the Northern District of West Virginia filed libels against 2,602 cases each containing 24 cans of peas at Clarksburg, and 258 cases, each containing 24 cans of peas, at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 16 to on or about September 25, 1941, by Southern Packing Co., Inc., from Mountain Lake Park and Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Can) "Value Brand Early June Peas."

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 because the alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

On June 2, 1942, the Southern Packing Co., Inc., having appeared as claimant, judgments of condemnation were entered and it was ordered that a portion of the product seized at Clarksburg, identified by certain codes, be released unconditionally and that the remainder of said lot and also the lot seized at Parkersburg, be released under bond for relabeling under the supervision of the Food and Drug Administration.

**3748. Misbranding of canned peas. U. S. v. 17 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 7412. Sample No. 87569-E.)**

On May 4, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 17 cases of canned peas at Miles Store, Va., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.; and

charging that it was misbranded. It was labeled in part: "Superfine Brand Early Juné 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 May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3749. Misbranding of canned spinach. U. S. v. 45 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7077. Sample No. 83559-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of fibrous and hollow stems, and yellow leaves.

On March 30, 1942, the United States attorney for the Northern District of Texas filed a libel against 45 cases, each containing 24 cans, of spinach at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Griffin Grocery Co. from Muskogee, Okla.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. It was labeled in part: "Griffins Money Back Fancy Spinach."

On May 19, 1942, Griffin Grocery Co. of Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

**3750. Misbranding of canned spinach. U. S. v. 298 Cases and 198 Cases of Canned Spinach. Consent decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7164. Sample Nos. 95042-E, 95044-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of excessive quantities of yellow and brown leaves.

On April 7, 1942, the United States attorney for the Western District of New York filed libels against 298 cases each containing 24 cans, and 198 cases each containing 24 cans of spinach at Buffalo, N. Y., alleging that the article had been shipped by G. W. Hume Co. from San Francisco, Calif., on or about March 24, 1942; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: (Cans) "BestTaste Fancy Spinach. Contents 1 Lb. 2 Oz. [or "1 Lb. 11 Oz.]" Distributed By Bestaste Products Co. Buffalo, N. Y."

On May 8, 1942, G. W. Hume 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.

#### TOMATOES AND TOMATO PRODUCTS

**3751. Action to enjoin and restrain interstate shipment of adulterated tomatoes and tomato products. U. S. v. Val Vita Food Products, Inc. Consent decree perpetually enjoining the defendant from interstate shipment of adulterated tomato products.** (Inj. No. 27.)

On March 4, 1942, the United States attorney for the Southern District of California filed a bill of complaint against Val Vita Food Products, Inc., Fullerton, Calif., alleging that the defendant was engaged in the processing and packing of tomatoes and tomato products for introduction and delivery for introduction into interstate commerce to be used as food. The complaint alleged further, on information and belief, that the defendant had on hand in January 1942, 11,747 cases of tomato products packed on the same days as other lots known by the Government to be adulterated, and 15,003 cases of tomato products in which the mold condition was questionable. It was alleged further that during the years 1933, 1934, and 1935 inspection of the defendant's factory at Fullerton, Calif., indicated that unfit and objectionable tomatoes were being used in the processing and canning of tomato products, and that during such period the defendant had been warned repeatedly to use greater care in removing objectionable material from the products that were to be shipped in interstate commerce; that during the years 1936, 1937, 1938, 1939, and 1940 the Government had made a large number of seizures of tomato products processed by the defendant which were found to be wormy or moldy or both; that during the year 1941 the defendant continued the packing of wormy and