

**DISPOSITION:** January 3, 1946. The Safeway Stores, Inc., Tulsa, Okla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**9565. Misbranding of canned peas. U. S. v. 494 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18369-A. Sample No. 35142-H.)**

**LIBEL FILED:** November 19, 1945, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 14, 1945, by the Fowler Canning Co., from Fowler, Ind.

**PRODUCT:** 494 cases, each containing 24 20-ounce cans, of peas at St. Louis, Mo.

**LABEL, IN PART:** "Benton County Brand Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (b) (1), the article was substandard in quality.

**DISPOSITION:** December 11, 1945. The L. Pearlman Grocer Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**9566. Misbranding of canned peas. U. S. v. 349 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17527. Sample No. 19984-H.)**

**LIBEL FILED:** February 26, 1946, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 12, 1945, by the Wisconsin Canning Co., from Winneconne, Wis.

**PRODUCT:** 349 cases, each containing 24 1-pound, 4-ounce cans, of peas at Duluth, Minn.

**LABEL, IN PART:** "Nation's Garden Brand Early June Peas \* \* \* Packed For Fine Foods, Inc. Minneapolis, Minn. Seattle, Wash."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** June 26, 1946. The Wisconsin Canning Co., claimant, having consented to the entry of a decree, 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.

**9567. Misbranding of canned peas. U. S. v. 348 Cases of Canned Peas (and 2 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17644, 17743, 17977. Sample Nos. 19278-H, 20300-H, 22390-H.)**

**LIBELS FILED:** Between October 4 and 18, 1945, Southern District of Illinois, Northern District of Iowa, and Northern District of Oklahoma.

**ALLEGED SHIPMENT:** Between the approximate dates of August 21 and September 18, 1945, by the Klindt-Geiger Canning Co., from Cassville, Wis.

**PRODUCT:** 348 cases, each containing 24 unlabeled cans, of peas at Bloomington, Ill., and 487 cases and 97 cases, each containing 24 labeled cans, of peas at Dubuque, Iowa, and Tulsa, Okla., respectively. No written agreement existed between the shipper and consignee of the lot of unlabeled cans as to the labeling of the product.

**LABEL, IN PART:** (Stenciling on cases of unlabeled cans) "24 No. 2 Cans Unlabeled No. 4 Early June Peas"; (labeled cans) "Overland Brand Wisconsin [or "Badger Brand"] Early June Peas \* \* \* 1 Lb. 4 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below the standard of quality for canned peas.

Further misbranding, Section 403 (e) (1) (2), the Illinois lot failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the Illinois lot failed to bear the name of the food specified in the definition and standard for canned peas.

**DISPOSITION:** Between October 30, 1945, and January 7, 1946, the Campbell-Holton and Co., Bloomington, Ill., the Klindt-Geiger Canning Co., Cassville, Wis., and the Warehouse Market, Tulsa, Okla., claimants for the Illinois,

Iowa, and Oklahoma lots, respectively, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**9568. Misbranding of canned peas. U. S. v. 194 Cases of Canned Peas. Default decree ordering product delivered to a charitable institution.** (F. D. C. No. 19333. Sample No. 52821-H.)

**LIBEL FILED:** March 11, 1946, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 15, 1945, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 194 cases, each containing 24 1-pound, 4-ounce cans, of peas at Nashville, Tenn.

**LABEL, IN PART:** Scott Co. Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403(h)(1), the product was below standard.

**DISPOSITION:** May 31, 1946. Only 8 cases of the product having been seized, and no claimant having appeared, judgment was entered ordering the product delivered to a charitable institution.

**9569. Misbranding of canned peas. U. S. v. 175 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 19164. Sample No. 35609-H.)

**LIBEL FILED:** February 4, 1946, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 17, 1945, by the Oostburg Canning Co., from Oostburg, Wis.

**PRODUCT:** 175 cases, each containing 24 cans, of peas at St. Louis, Mo. The product was shipped unlabeled to St. Louis, at which point the cans were labeled as set forth below.

**LABEL, IN PART:** "Contents 1 Lb. 4 Oz. From the Heart of Dairyland Wisconsin Medium Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403(e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403(g)(2), the label failed to bear, as required by the regulations, the name of the food specified in the definition and standard of identity for canned peas; and, Section 403(h)(1), the product fell below the standard.

**DISPOSITION:** March 8, 1946. The Oostburg Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**9570. Misbranding of canned peas. U. S. v. 113 Cases of Canned Peas (and 3 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 18805 to 18807, incl., 19163. Sample Nos. 13160-H, 14275-H, 35030-H, 35039-H, 35040-H.)

**LIBELS FILED:** January 10 and February 5, 1946, Eastern District of Arkansas and Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 3 and November 16, 1945, by John S. Mitchell, Inc., from Windfall, Ind.

**PRODUCT:** 113 cases at Blytheville, Ark., 123 cases at Paragould, Ark., 275 cases at Jonesboro, Ark., and 543 cases at Covington, Ky. Each case contained 24 1-pound, 4-ounce cans, of peas.

**LABEL, IN PART:** "Early June Peas Sweet William Brand," or "Sales Brand Early June Peas Packed for Empire Distributing Company, St. Louis, Mo."

**NATURE OF CHARGE:** Misbranding, Section 403(h)(1), the article was below standard.

**DISPOSITION:** March 13 and 27, 1946. John S. Mitchell, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.