

10314. Misbranding of canned peas. U. S. v. 599 Cases of Canned Peas (and 6 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17343, 17622, 18098, 18201, 18355, 18626, 18627. Sample Nos. 22381-H, 23511-H, 23899-H, 24880-H, 24921-H, 52583-H, 52584-H.)

LIBELS FILED: Between October 2 and December 10, 1945, Southern, Northern, and Western Districts of Texas, Southern District of Illinois, Eastern District of Missouri, and Eastern District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of July 16 and August 30, 1945, by the Fall River Canning Co., from Fall River and Janesville, Wis.

PRODUCT: Canned peas. 599 cases, 968 cases, and 79 cases at Houston, Dallas, and Austin, Tex., respectively; 1,447 cases at Bloomington, Ill.; 1,750 cases at St. Louis, Mo.; and 1,796 cases at Paintsville, Ky. Each case contained 24 cans of peas. The cans in the Dallas and Paintsville lots were labeled as indicated below, and the cans in the other lots were shipped unlabeled.

LABEL, IN PART: (Portions of product) "Wiscos Brand [or "Eatmor Brand"] Early June Peas," or "Upper Deck * * * June Peas."

NATURE OF CHARGE: Misbranding (4 lots), 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; and, Section 403 (g) (2), the label of the article failed to bear, as prescribed by the regulations, the name of the food specified in the definition and standard.

Further misbranding (all lots), Section 403 (h) (1), the article was below standard.

DISPOSITION: Between the dates of December 14, 1945, and April 2, 1946. The Schuhmacher Co., Houston, Tex., having appeared as claimant for the Houston and Austin lots, and the Fall River Canning Co. having appeared as claimant for the remainder, and both claimants having consented to the entry of decrees, judgments of condemnation were entered. The product in all of the lots was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10315. Misbranding of canned peas. U. S. v. 872 Cases and 158 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17673, 17716. Sample Nos. 19196-H, 19602-H.)

LIBELS FILED: September 27 and October 3, 1945, District of Minnesota and District of South Dakota.

ALLEGED SHIPMENT: On or about August 3 and 6, 1945, by the Lange Canning Corporation, from Eau Claire, Wis.

PRODUCT: 872 cases and 158 cases, each containing 24 cans, of peas at Mankato, Minn., and Sioux Falls, S. Dak., respectively.

LABEL, IN PART: "Nation's Garden Brand [or "Gem Wisconsin"] Early June Peas Contents 1 Lb. 4 Oz."

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

DISPOSITION: November 13 and December 1, 1945. The Lange Canning Corporation, 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.

10316. Misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 17742. Sample No. 19274-H.)

LIBEL FILED: October 4, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 6, 1945, by the McGregor Wholesale Grocery Co., from Cassville, Wis.

PRODUCT: 50 cases, each containing 24 1-pound, 4-ounce cans, of peas at McGregor, Iowa.

LABEL, IN PART: "Pride of Cassville Brand Wisconsin Early June Peas * * * Packed by Klindt-Geiger Canning Co., Cassville, Wis."

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

DISPOSITION: October 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10317. Adulteration of green split peas. U. S. v. 850 Bags of Green Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 17729. Sample No. 9456-H.)

LIBEL FILED: October 3, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about March 24, 1945, by the Trinidad Bean and Elevator Co., from Palouse, Wash.

PRODUCT: 850 50-pound bags of green split peas at Batavia, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and webbing.

DISPOSITION: November 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

10318. Adulteration and misbranding of tomato puree. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$2,000. (F. D. C. No. 17783. Sample Nos. 33857-F, 92361-F.)

INFORMATION FILED: January 25, 1946, Northern District of California, against Stockton Food Products, Inc., Stockton, Calif.

ALLEGED SHIPMENT: On or about October 6 and 7, 1944, from the State of California into the State of New York.

LABEL, IN PART: The product was unlabeled, but it was billed as "Fcy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it was sealed in a container and had not been so processed by heat, before or after sealing, as to prevent spoilage, as required by the regulations.

DISPOSITION: April 8, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each of the 4 counts.

10319. Adulteration of tomato puree. U. S. v. 916 Cases and 175 Cases of Tomato Puree. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 17533, 18929. Sample Nos. 14381-H, 19861-H.)

LIBELS FILED: February 1 and 20, 1946, Middle District of Tennessee and District of Minnesota.

ALLEGED SHIPMENT: November 15, 1945, and January 21, 1946, by the Blue River Packing Co., from Morristown and Shelbyville, Ind.

PRODUCT: Tomato puree. 916 cases at Nashville, Tenn., and 175 cases at Minneapolis, Minn. Each case contained 6 6-pound, 8-ounce cans, of the product.

LABEL, IN PART: "Blue River Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On March 20, 1946, the Blue River Packing Co., claimant for both lots, having admitted the allegations of the libel filed at Minneapolis, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be separated from the unfit and that both be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. On September 9, 1946, the claimant having failed to answer or defend the action instituted at Nashville, judgment of condemnation was entered and the product was ordered destroyed.

10320. Adulteration of tomato puree. U. S. v. 163 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 16642. Sample No. 29641-H.)

LIBEL FILED: June 21, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 31, 1945, by the California Best Products Co., from San Francisco, Calif.