

10642. Misbranding of canned peas. U. S. v. 46 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18030, 18274, 18668. Sample Nos. 19917-H, 21390-H, 21527-H.)

LIBELS FILED: Between October 23 and December 19, 1945, Districts of South Dakota and Nebraska.

ALLEGED SHIPMENT: Between the approximate dates of August 6 and 20, 1945, by the Iowa Canning Co., from Vinton, Iowa.

PRODUCT: 46 cases at Mitchell, S. Dak., 134 cases at Omaha, Nebr., and 256 cases at Lincoln, Nebr., each case containing 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Quick Meal Brand * * * Early June Peas."

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

DISPOSITION: Between January 16 and February 15, 1946. The Iowa Canning Co., claimant for the Nebraska lots, having consented to the entry of decrees, 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. No claimant having appeared for the South Dakota lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10643. Misbranding of canned peas. U. S. v. 88 Cases * * *. (F. D. C. No. 18215. Sample No. 43230-H.)

LIBEL FILED: October 29, 1945, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 3, 1945, by the C. D. Kenny Division, Sprague Warner-Kenny Corporation, from Baltimore, Md.

PRODUCT: Libel filed against 88 cases, each containing 24 1-pound, 4-ounce cans, of peas at Winston-Salem, N. C. 543 cases were seized.

LABEL, IN PART: "White City Brand Early June Peas."

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

DISPOSITION: On November 15, 1945, the Stoughton Canning Company, claimant, having consented to the entry of a decree, judgment was entered condemning the 88 cases and ordering that they be released under bond for relabeling under supervision of the Food and Drug Administration. On December 26, 1945, an amended decree was entered covering the entire 543 cases that had been seized and ordering the entire lot condemned and released under the conditions set out in the original decree.

10644. Misbranding of canned peas. U. S. v. 456 and 384 Cases * * *. (F. D. C. Nos. 18477, 19268. Sample Nos. 25642-H, 30308-H, 30427-H.)

LIBELS FILED: November 26, 1945, and February 21, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about September 1 and 13, 1945, by the Rocky Mountain Packing Corporation, from Manti and Salt Lake City, Utah.

PRODUCT: Canned peas. 456 cases at Denver, Colo., and 384 cases at Colorado Springs, Colo. Each case contained 6 6-pound, 9-ounce cans. Samples of the product were found to be substandard in quality because of failure to meet the test for tenderness. In addition, the peas in the Denver lot were a sweet wrinkled variety, and the alcohol-insoluble solids were more than 21 percent.

LABEL, IN PART: "U-Tah-Na Brand Sugar Peas," or "Ogden Valley Brand * * * Sugar Peas."

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

DISPOSITION: February 1 and March 18, 1946. The Rocky Mountain Packing Corporation having appeared as claimant in both actions, and having admitted the allegations of the libel with respect to the Colorado Springs lot, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration. The claimant having admitted also that a portion of the Denver lot was substandard, the court made its finding that the product in one code was not misbranded and ordered that code released. The remainder of the Denver lot was condemned and ordered released under bond for relabeling under the supervision of the Food and Drug Administration.