

**15836. Misbranding of canned peas. U. S. v. 750 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 28513, 28514. Sample Nos. 61850-K, 61851-K.)**

**LIBELS FILED:** January 11, 1950, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 10 and 11, 1949, by the Oostburg Canning Co., from Oostburg, Wis.

**PRODUCT:** 1,550 cases, each containing 6 No. 10 cans, of peas at St. Louis, Mo. The cans were unlabeled, with the exception of some which bore the word "Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of high alcohol-insoluble solids, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** February 20, 1950. The Bohn-Lenartz Co., St. Louis, Mo., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

#### **TOMATOES AND TOMATO PRODUCTS**

**15837. Adulteration of canned tomatoes. U. S. v. 3,900 Cases \* \* \*. (F. D. C. No. 28452. Sample No. 56856-K.)**

**LIBEL FILED:** December 5, 1949, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 12, 13, 14, 15, 17, 21, and 22, 1949, by Vincent Losito & Sons, from Toughkenamon, Pa.

**PRODUCT:** 3,900 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Perth Amboy, N. J.

**LABEL, IN PART:** (Can) "Green Circle Tomatoes."

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

**DISPOSITION:** January 10, 1950. Default decree of condemnation and destruction.

**15838. Adulteration of tomato catsup. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 28257. Sample No. 56666-K.)**

**LIBEL FILED:** November 1, 1949, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about September 13, 1949, by Hy King, from Phalanx, N. J.

**PRODUCT:** 49 cases, each containing 24 bottles, of tomato catsup at Brooklyn, N. Y.

**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.

**DISPOSITION:** January 27, 1950. Default decree of condemnation and destruction.