

"The order dismissing for want of jurisdiction was erroneously entered. It is REVERSED and the cause is REMANDED with directions to hear the libel on its merits."

On August 7, 1952, Allbrook Freezing & Cold Storage, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

VEGETABLES

18784. Supplement to notice of judgment on foods, No. 18174. Misbranding of canned peas. U. S. v. 72 Cases. * * *. (F. D. C. No. 32357. Sample No. 22411-L.)

As reported in the notice of judgment on foods, No. 18174, a default decree of condemnation and destruction was entered against the product on the ground that it was misbranded under Section 403 (h) (1) because it fell below the standard of quality for canned peas.

Subsequent to the entry of such decree, it was ascertained that the product, although misbranded, was fit for human consumption; and, accordingly, an amended decree was entered on February 13, 1952, ordering that the product be delivered to charitable institutions for consumption by the inmates.

18785. Adulteration of canned black-eyed peas. U. S. v. 70 Cases * * *. (F. D. C. No. 32653. Sample Nos. 13014-L, 14163-L.)

LIBEL FILED: February 12, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about January 10, 1952, by the Tex-Plains Canning Co., from Lubbock, Tex.

PRODUCT: 70 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Denver, Colo.

LABEL, IN PART: "Del Haven Fresh Shelled Blackeyed Peas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted, in part for black-eyed peas. Examination disclosed that the article contained excess brine.

DISPOSITION: April 3, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18786. Adulteration of potatoes. U. S. v. 821 Sacks * * *. (F. D. C. No. 32288. Sample No. 27525-L.)

LIBEL FILED: December 27, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 14 and 19, 1951, by August Brunkowski, from Smith, Nev.

PRODUCT: 821 100-pound sacks of potatoes at San Jose, Calif.

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 parasitic worms.

DISPOSITION: January 8, 1952. Blase Bros. & Co., San Jose, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvaging of 27,220 pounds of potatoes.