

**13234. Misbranding and alleged adulteration of canned peas. U. S. v. 140 Cases of Peas. Product relabeled and released to claimant. (F. & D. No. 17986. I. S. No. 875-v. S. No. E-4569.)**

On November 13, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 cases, each containing 2 dozen cans, of peas, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the California Packing Corp., from San Francisco, Calif., on or about September 25, 1923, and transported from the State of California into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Peas \* \* \* California Packing Corporation, Main Office San Francisco, California, U. S. A.," together with a cut showing peas in pods, pea blossoms, and vines.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pea berry shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for peas, which the said article purported to be.

Misbranding was alleged for the reason that the statement, design, or device, borne on the cans containing the article, to wit, "Peas" and the design showing peas in pods, pea blossoms and vines were false and misleading and deceived and misled the purchaser, in that they represented that the article was whole peas, whereas it was not whole peas but was an article containing pea berry shells and split and broken peas. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, peas.

On January 14, 1924, E. T. Sheftall & Co., Savannah, Ga., having appeared as claimant for the property praying the opening of the decree of condemnation theretofore entered, judgment of the court was entered, finding the product misbranded and ordering that the said decree of condemnation be vacated and that the product be delivered to the claimant upon its being properly relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13235. Adulteration of walnut meats. U. S. v. Sam Holzman and Peter R. Smith. Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 17135. I. S. No. 11248-t.)**

On April 3, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sam Holzman and Peter R. Smith, copartners, Los Angeles, Calif., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 2, 1922, from the State of California into the State of Washington, of a quantity of walnut meats which were adulterated. The article was labeled in part: "From S. Holzman L. A. Cal. 50 Lbs. Net Ungrated," and was invoiced as walnut meats.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that approximately 18.6 per cent of the product was inedible, consisting of wormy, moldy, shriveled, and rancid nuts, and nut shells.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 9, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50, together with the costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13236. Adulteration and misbranding of jellies. U. S. v. 65 Cases of Apple Jelly, et al. Products released under bond to be relabeled. (F. & D. No. 18494. I. S. Nos. 16534-v, 16535-v, 16536-v, 16537-v. S. No. E-4779.)**

On March 18, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cases of apple jelly, 200 cases of apple lemon jelly, 100 cases of apple orange jelly, and 125 cases of grape and apple jelly, remaining in the original unbroken packages at Savannah, Ga., alleging that the