

misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ray Way Brand Water Packed Pitted Cherries Packed by Ray A. Ricketts Co., Canon City, Colo."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since there was present more than 1 cherry pit per 20 ounces of net contents and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

PAUL V. McNUTT, *Administrator*.

31103. Misbranding of canned peas. U. S. v. 360 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 45605. Sample No. 2706-E.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 17, 1940, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed a libel against 360 cases of canned peas at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about March 12, 1938, by the Melrose Canning Co., from Greenmount, Md.; and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Loveland Garden Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 27, 1940, the Melrose Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled as required by law.

PAUL V. McNUTT, *Administrator*.

31104. Misbranding of canned peas. U. S. v. 638 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 45614. Sample No. 8114-E.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 25, 1940, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed a libel against 638 cases of canned peas at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, from Plymouth, Wis., in part on or about September 22, 1937, by A. N. Meyers, broker for Knellsville Canning Co. and in part on or about October 5, 1937, by Knellsville Canning Co.; and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Win-All Brand Size 4 Wisconsin Early Variety Peas packed by Knellsville Pea Canning Co. Port Washington, Wisconsin."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 5, 1940, the Kildall Co., Minneapolis, Minn., claimant, having admitted the allegations of the label and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in the manner required by law.

PAUL V. McNUTT, *Administrator*.

31105. Misbranding of canned cherries. U. S. v. 96 Cases of Canned Cherries. Decree of forfeiture. Product released under bond to be relabeled. (F. & D. No. 45581. Sample No. 66793-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On January 2, 1940, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district