

merce on or about December 21, 1939, by Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

604. Adulteration and misbranding of canned peas. U. S. v. 304 Cases of Canned Peas (and 3 other seizure actions involving canned peas). Default decrees of condemnation and destruction. (F. D. C. Nos. 1465, 1466, 1542, 1543. Sample Nos. 73699-D, 73978-D, 73979-D, 86853-D.)

This product was found to be in whole or in part decomposed; it consisted of sweet, or sugar, peas and not Early June peas as labeled; and one lot was falsely labeled as to the name of the packer.

On February 9 and March 1, 1940, the United States attorney for the District of Massachusetts filed libels against 438 cases of canned peas at Boston, Mass., and 725 cases of canned peas at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about December 11, 1939, to on or about January 2, 1940, by the Mount Airy Canning Co. from Baltimore, Md.; and charging that it was adulterated and misbranded. The article was labeled in part variously: "Chapel Brand Food Products Early June Peas * * * Distributed by Talbot Packing Corp., Easton, Md.;" or "Tisso Good Brand Early June Peas * * * Packed by Talbot Packing and Preserving Co., Easton, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the statement "Early June Peas," borne on the labels, was false and misleading, since it was sweet peas. The Tisso Good brand was alleged to be misbranded further in that the statement, "Packed By Talbot Packing and Preserving Co., Easton, Md., U. S. A., Factories: Cordova and Willoughby, Md.," borne on the label, was false and misleading, since the article was packed by the Mount Airy Canning Co.

On March 25 and April 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

605. Misbranding of canned peas. U. S. v. 19 Cases and 23 Cases of Canned Peas. Default decree of condemnation and destruction. Product ordered delivered to a charitable institution. (F. D. C. No. 1842. Sample Nos. 10488-E, 10489-E.)

Examination showed this article to be soaked dry peas.

On April 18, 1940, the United States attorney for the Southern District of New York filed a libel against 19 cases and 23 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 20, 1939, and February 21, 1940, respectively, by W. H. Roberts & Co. from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Faust Brand Peas Packed for Sentney Wholesale Grocery Co., Hutchinson, Kans.;" and "'Of Course' P M Brand Alaska Peas * * * Packed for Pratt-Mallory Co., Sioux City, Iowa."

The article was alleged to be misbranded in that the labeling on the cans, as set out above, was false and misleading, when applied to articles that were soaked dry peas.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

606. Adulteration and misbranding of canned peas. U. S. v. 244 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. No. 1505. Sample No. 86269-D.)

This product was canned soaked dry peas and not Early June peas as labeled.

On February 20, 1940, the United States attorney for the District of New Jersey filed a libel against 244 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by Frederick City Packing Co. from Frederick, Md.; and charging that it was adulterated and misbranded. The article was labeled in part: "Richland Brand Early June Peas."

The article was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for Early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," and the design of peas in pods were false and misleading since it was soaked dry peas.

On March 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

607. Adulteration of canned peas. U. S. v. 32 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. No. 1630. Sample No. 7501-E.)

This product was weevil-infested.

On March 12, 1940, the United States attorney for the Southern District of California filed a libel against 32 cases of canned peas at Riverside, Calif., alleging that the article had been shipped in interstate commerce on or about December 22, 1939, by Pleasant Grove Canning Co. from Provo, Utah; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. The article was labeled in part: "Del Haven Brand Sweet Peas Packed for Federated Foods Inc. San Francisco Chicago."

On April 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

608. Adulteration of canned hominy. U. S. v. 65 Cases of Canned Hominy. Consent decree of condemnation and destruction. (F. D. C. No. 1912. Sample No. 6472-E.)

This product was found to be decomposed.

On May 2, 1940, the United States attorney for the District of Colorado filed a libel against 65 cases, each containing 24 cans, of hominy at Denver, Colo., consigned by the Norfolk Packing Co., alleging that the article had been shipped in interstate commerce on or about April 4, 1940, from Plattsmouth, Nebr.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "La Platte Hominy * * * Packed for La Platte Sales Co., Peoria, Ill."

On May 11, 1940, the Norfolk Packing Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

609. Adulteration of canned sauerkraut. U. S. v. 39 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 1122. Sample No. 56217-D.)

This product was in interstate commerce at the time of examination, and was found to be undergoing chemical decomposition and to be otherwise unfit for food at that time.

On December 1, 1939, the United States attorney for the Northern District of California filed a libel against 39 cases of canned sauerkraut at Oakland, Calif., alleging that the article had been shipped on or about November 21, 1938, by Geneva Preserving Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. It was labeled in part: "Geneva Sauerkraut. * * * Geneva Preserving Co. Geneva, * * * N. Y."

On January 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 610-622, 624, and 625 report the seizure and disposition of tomato catsup that contained excessive mold, indicating the presence of decomposed material.

610. Adulteration of canned tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1727. Sample No. 13339-E.)

On April 1, 1940, the United States attorney for the District of Oregon filed a libel against 48 cases of tomato catsup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by Newbauer & Schmale from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Real-Red Brand Tomato Catsup Made in part from residual tomato material * * * Stockton Food Products Inc. Stockton, Calif."

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

611. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases and 431 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1850, 1975. Sample Nos. 13129-E, 13158-E.)

On April 22 and May 16, 1940, the United States attorney for the Eastern District of Washington filed libels against 531 cases of tomato catsup at Spokane,