It was alleged to be misbranded in that the statement "Standard Quality" was false and misleading as applied to substandard canned peas. It was alleged to be misbranded further in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed after 30 days unless taken down under bond by the owner. On December 14, 1940, the judgment was amended to permit delivery of the goods to a charitable institution in lieu of destruction.

1142. Misbranding of canned peas. U. S. v. 340 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3298. Sample No. 14539–E.)

On October 28, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 340 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Charles Mills from Lewes, Del.; and charging that it was misbranded. It was labeled in part: (Cans) "Holsum Brand Early June Peas * * * Distributed by B. H. Holsinger Ridgely, Md."

The article was alleged to be misbranded in that it purported to be a food for which standards of quality and fill of container had been prescribed by regulations as provided by law, but its quality and fill of container fell below standards; and its label failed to bear in such manner and form as the regulations specify, statements that it fell below such standards.

On November 15, 1940, Albert W. Sisk & Son, of Aberdeen, Md., claimant, 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 under the supervision of the Food and Drug Administration.

1143. Adulteration of canned pork and beans. U. S. v. 130 Cases of Canned Pork and Beans. Default decree of condemnation and destruction. (F. D. C. No. 2203. Sample No. 13200–E.)

The tomato sauce in this product contained excessive mold.

On June 15, 1940, the United States attorney for the District of Idaho filed a libel against 130 cases of canned pork and beans at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Dinnerette Brand Pork and Beans with Tomato Sauce."

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1144. Adulteration of canned spinach. U. S. v. 18 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 2197. Sample No. 15195–E.)

This product was decomposed.

On June 10, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 18 cases of canned spinach at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Bentonville Canning Co., from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Conrad's * * * Darnoc Brand Spinach * * * J. F. Conrad Grocer Company."

On July 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

1145. Misbranding of canned tomatoes. U. S. v. 31 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2691. Sample No. 20122–E.)

This product was substandard because it contained excessive peel, and such fact was not indicated in the labeling.

On August 26, 1940, the United States attorney for the Middle District of Georgia filed a libel against 31 cases of canned tomatoes at Thomasville, Ga.,