

Va., alleging that the article had been transported in interstate commerce on or about March 15, 1940, by the Harrisonburg Grocery Co., Inc., from Baltimore, Md., to the place of business of the shipper in Harrisonburg, Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Temptu Early Variety Peas Distributed by King Foods Co. Baltimore, Md."

On July 17, 1940, no claim having been entered, judgment of condemnation was entered and the product was ordered destroyed.

1464. Adulteration and misbranding of canned peas. U. S. v. Uco Food Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 2102. Sample Nos. 68760-D, 68762-D, 68763-D, 68764-D.)

This product consisted of mature peas and not early June peas as labeled.

On September 21, 1940, the United States attorney for the District of New Jersey filed an information against the Uco Food Corporation, Newark, N. J., alleging shipment within the period from on or about August 4 to on or about November 10, 1939, from the State of New Jersey into the State of New York of quantities of canned peas that were adulterated and misbranded. The article was labeled in part: "Lawn Dale Brand * * * Early June Peas * * * Distributed by Westside Wholesale Grocery Company Chicago"; or "Pultney Brand Early June Peas packed by K. M. Davies Company Williamson, N. Y."

It was alleged to be adulterated in that mature dried peas had been substituted in whole or in part for early June peas, i. e., immature succulent peas, which it purported to be.

It was alleged to be misbranded in that the statements "Early June Peas," together with a design of peas in pods with respect to both brands, and the statement "Distributed by the West Side Wholesale Grocery Co., Chicago Ill.," with respect to the Lawn Dale brand, and the statement "Packed by K. M. Davies Co., Inc., at Williamson, N. Y.," with respect to the Pultney brand, borne on the labels, were false and misleading in that they represented that the article consisted of immature succulent peas and that it was distributed or packed by the firms named on their respective labels; whereas it did not consist of immature succulent peas but did consist in whole or in part of mature, dried peas and had not been distributed or packed by said firms.

On October 22, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

1465. Misbranding of canned peas. U. S. v. 38 Cases of Unlabeled Canned Peas and 1 Case of Labeled Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1181. Sample No. 68771-D.)

This product was canned soaked dry peas. A portion was labeled to indicate that it was canned immature peas and a portion was unlabeled.

On December 12, 1939, the United States attorney for the District of New Jersey filed a libel against 39 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 27, 1939, by the York Star Canning Co., Inc., from New York, N. Y.; and charging that it was misbranded. One case was labeled in part: (Design of peas in pod) "Lincoln Highway Brand Peas * * * Packed by Geo. E. Stocking Canning Factory Rochelle, Ill."

The labeled portion of the product was alleged to be misbranded in that the statement "Peas" and the design of peas in a pod were false and misleading as applied to canned soaked dry peas. The labeled portion was alleged to be misbranded further in that the statement "Packed by Geo. E. Stocking Canning Factory Rochelle, Ill." was false and misleading since the article was packed by the York Star Canning Co. Inc., New York.

The unlabeled portion was alleged to be misbranded in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On February 21, 1941, judgment was entered nunc pro tunc as of June 11, 1940, condemning the product and ordering that it be delivered to a charitable institution.

1466. Adulteration of canned pumpkin. U. S. v. 63 Cases and 194 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 3479, 3480. Sample Nos. 39254-E, 39841-E.)

This product contained a glasslike mineral substance.

On December 5, 1940, the United States attorney for the Eastern District of Missouri filed libels against 63 cases and 194 cases of canned pumpkin at

St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by the Salinger Brokerage Co. from New Boston, Ill.; and charging that it was adulterated. The article was labeled in part: (Cans) "Laclede Brand Pumpkin"; or "Tom-Boy Fancy Solid Pack Pumpkin."

It was alleged to be adulterated in that it contained an added deleterious glasslike mineral substance which might have rendered it injurious to health; in that it was unfit for food; and in that a glasslike substance had been substituted wholly or in part for pumpkin, and had been added thereto or mixed or packed therewith so as to reduce its quality.

On December 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATO PRODUCTS

Nos. 1467 to 1487, except 1470, 1480, and 1486, report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material.

1467. Adulteration of tomato catsup. U. S. v. 306 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3963. Sample No. 43241-E.)

On March 12, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 306 cases of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 24, 1940, by the Fettig Canning Corporation from Elwood, Ind.; 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: (Bottles) "Belle Isle Tomato Catsup."

On May 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1468. Adulteration of tomato catsup. U. S. v. 398 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3428. Sample No. 38065-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination at which time it was found to be undergoing progressive spoilage.

On November 23, 1940, the United States attorney for the Western District of Michigan filed a libel against 398 cases of catsup at Menominee, Mich., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Midwest Food Packers, Inc., from Fowlerton, Ind.; 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: (Jugs) "White Birch Brand Capsup."

On April 21, 1941, the Midwest Food Packers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and that the latter be destroyed.

1469. Adulteration of tomato catsup. U. S. v. 238 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8450. Sample No. 16569-E.)

On November 28, 1940, the United States attorney for the District of Nebraska filed a libel against 238 cases of tomato catsup at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about September 24, 1940, by Old Grimes Canning Co. from Grimes, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Queenia Brand Tomato Catsup."

On January 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.