

alleging that the article had been shipped on or about February 27, 1941, by Comstock Canning Corporation from Penn Yan, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of the presence of hard peas. The article was labeled in part: "Uco \* \* \* Fancy Sweet Melting Peas Contents 8 Oz."

On June 30, 1941, Uco Food Corporation, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1996. Misbranding of canned peas. U. S. v. 95 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 4306. Sample No. 29310-E.)**

This product was labeled "Fancy" but was too mature for such designation.

On April 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 95 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 9, 1941, by the Lakeside Packing Co., from Plainview, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunshine Brand Fancy Sifted Peas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to overmature peas.

On May 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1997. Misbranding of canned peas. U. S. v. 205 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 4480. Sample No. 69024-E.)**

This product, which was represented as consisting of small sugar peas of Fancy quality, was found to consist of peas of mixed sizes and was not Fancy because of the presence of hard, nearly mature peas.

On April 24, 1941, the United States attorney for the District of New Jersey filed a libel against 205 cases, each containing 48 cans, of peas at Jersey City, N. J., alleging that the article had been shipped on or about January 24, 1941, by the Frank M. Wilson Co., San Francisco, Calif., from Stockton, Calif.; and charging that it was misbranded in that the statement "Fancy Small \* \* \* Peas" was false and misleading as applied to an article that consisted of peas of mixed sizes and that was not of Fancy quality because of the presence of hard, nearly mature peas. The article was labeled in part: (Cans) "Marigold Brand Fancy Small Sweet Peas Contents 8 Oz."

On August 7, 1941, Marigold Grocery Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1998. Misbranding of canned peas. U. S. v. 779 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. D. C. No. 4217. Sample No. 29542-E.)**

This product was not Fancy as labeled because of the presence of numerous broken peas.

On April 3, 1941, the United States attorney for the Northern District of Ohio filed a libel against 779 cases, each containing 24 No. 2 cans, of peas at Cleveland, Ohio, alleging that the article had been shipped by Oconomowoc Canning Co. from Sun Prairie, Wis., on or about September 6 and 9, 1940; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of numerous broken peas, consisting of loose cotyledons and loose skins.

On April 14, 1941, the Oconomowoc Canning Co. having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1999. Misbranding of canned sauerkraut. U. S. v. 524 Cases of Canned Sauerkraut. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4481. Sample No. 50955-E.)**

This product was unlabeled when shipped to the consignee, but at the time of examination was labeled in part as follows: "Allen Brand Sauerkraut Fancy Quality." It was not of Fancy quality because of off-color, odor, and flavor.

On April 24, 1941, the United States attorney for the District of Maryland filed a libel against 524 cases, each containing 24 cans, of sauerkraut at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., on or about January 28, 1941, by Union Premier Food Stores and that it remained in interstate commerce on the premises of A. J. Harris, Baltimore, Md.; and charging that it was misbranded in that the statement "Fancy Quality" was false and misleading as applied to an article that was not Fancy because of off-color, odor, and flavor. It was labeled in part: "Net weight 1 lb. 11 oz."

On May 15, 1941, A. J. Harris & Co., Baltimore, 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.

**2000. Misbranding of canned succotash. U. S. v. 66 Cases of Canned Succotash. Default decree of condemnation and destruction. (F. D. C. No. 4211. Sample No. 47427-E.)**

This product was represented to be of Fancy quality, but examination disclosed that it was made from corn and lima beans both of which were too mature to warrant such designation.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 66 cases, each containing 36 cans, of succotash at Chicago, Ill., alleging that the article had been shipped by the Marshall Canning Co. from Marshalltown, Iowa, on or about January 10, 1941; and charging that it was misbranded. It was labeled in part: "Uncle William Fancy Succotash \* \* \* Contents 1 Lb. 1 Oz."

The article was alleged to be misbranded in that the statements "Prepared From Fancy Fresh Green Baby Lima Beans" and "Prepared From Green Lima Beans and Golden Bantam Corn" and the term "Fancy" were false and misleading as applied to an article that was yellow corn, but not Golden Bantam, and mixed green and white lima beans which were too old to qualify as Fancy.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**TOMATOES AND TOMATO PRODUCTS**

**2001. Adulteration of canned tomatoes and tomato puree. U. S. v. Associated Canneries, Inc. Plea of guilty. Fine, \$28. (F. D. C. No. 2939. Sample Nos. 97237-D, 6427-E, 6428-E, 13123-E.)**

On July 23, 1941, the United States attorney for the District of Utah filed an information against Associated Canneries, Inc., a corporation, Ogden, Utah, alleging that on or about September 27 and December 29, 1939, and January 26, 1940, the defendant delivered for introduction in interstate commerce into the States of Colorado and Washington quantities of tomato puree which was adulterated and that on or about February 12, 1940, the defendant introduced and delivered for introduction in interstate commerce into the State of Colorado, a quantity of canned tomatoes which were adulterated. The canned tomatoes were unlabeled but were invoiced as "Rusty Tomatoes." The tomato puree was labeled in part: (Cans) "6 Pounds 8 Ounces Roundup Brand \* \* \* Fancy Whole Tomato Puree Packed for Roundup Grocery Co. Spokane Washington"; (cases) "6 No. 10 cans Tomato Puree Odgen, Utah"; or "6 No. 10 cans Perfection Brand Tomato Puree H. D. Olson & Sons Ogden—Utah."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On August 9, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 on the first count and \$1 on each additional count, totaling \$28.

**2002. Adulteration of tomato catsup and tomato puree. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$52. (F. D. C. No. 4185. Sample Nos. 6764-E, 44636-E, 44649-E.)**

On September 8, 1941, the United States attorney for the District of Utah filed an information against the Perry Canning Co., a corporation at Perry, Utah, alleging introduction and delivery for introduction in interstate commerce on or about September 23 and October 9, 1940, from the State of Utah into the States of Idaho and Colorado of quantities of tomato catsup and tomato puree that were adulterated in that they consisted in whole or in part of decomposed substances. They were labeled in part: "Golden 'A' Brand Extra Standard