

against 70 cases each containing 6 No. 10 cans of carrot chunks at Seattle, Wash., and 116 cases each containing 6 No. 10 cans of carrot chunks at San Francisco, Calif., alleging that the article had been shipped on or about October 7, 1940, and February 7 and 14, 1941, by Jory Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jory Carrot Chunks."

On June 23 and August 7, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2235. Misbranding of canned corn. U. S. v. 673 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4358. Sample No. 46574-E.)**

On April 18, 1941, the United States attorney for the Southern District of New York filed a libel against 673 cases, each containing 24 No. 2 cans, of corn at New York, N. Y., alleging that the article had been shipped on or about April 1, 1941, by Fernald, Keene & True Co., West Poland, Maine, from Oxford, Maine; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to overmature corn. The article was labeled in part: (Cans) "Premier Fancy Cream Style White Corn."

On August 19, 1941, Francis H. Leggett & Co., New York, N. Y., 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.

**2236. Misbranding of canned mushrooms. U. S. v. 139 Cases and 54 Cases of Canned Mushrooms. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4729. Sample No. 31289-E.)**

The label of this product bore a picture of large mushroom slices, which was misleading since a large proportion of the product consisted of small mushroom pieces of irregular shape and of stems.

On or about May 14, 1941, the United States attorney for the Northern District of Illinois filed a libel against 193 cases, each containing 100 cans, of mushrooms at Chicago, Ill., alleging that the article had been shipped on or about March 19, 1941, by K. B. Products Corporation from Coxsackie, N. Y.; and charging that it was misbranded in that its label was false and misleading because the vignette thereon implied that the article was sliced mushrooms. The article was labeled in part: (Cans) "Drained Mushrooms 8 Ounces Avoir. Sincerity Brand Mushrooms Pieces and Stems."

On July 1, 1941, Banner Wholesale Grocers, Inc., Chicago, Ill., 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.

**2237. Misbranding of canned mushrooms. U. S. v. 41 Cases of Canned Mushrooms. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 4317. Sample No. 5573-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of blemished and tough pieces of mushrooms and mushroom pieces.

On April 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 41 cases, each containing 12 cans, of mushrooms at Cincinnati, Ohio, alleging that the article had been shipped on or about December 18, 1940, by Superior Canning Co. from Avondale, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to blemished and tough pieces of mushrooms and mushroom stems. The article was labeled in part: (Cans) "Wagner's Brand Fancy Mushrooms Pieces and Stems Drained Weight 4 Ounces."

On July 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

**2238. Adulteration of canned dry peas. U. S. v. 20 Cases of Canned Dry Peas. Default decree of condemnation and destruction. (F. D. C. No. 5006. Sample No. 55680-E.)**

Examination showed that this product contained weevils.

On June 25, 1941, the United States attorney for the District of Oregon filed a libel against 20 cases, each containing 48 cans, of peas at Portland, Oreg., alleging that the article had been shipped on or about May 22, 1941, by the Nelson Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it

consisted wholly or in part of a filthy substance. The article was labeled in part: "Dinette Cooked Dried Alaska Peas, net contents 12½ ounces."

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2239. Misbranding of canned dry peas and canned Early June peas. U. S. v. 48 Cases of Canned Dry Peas and 295 Cases of Canned Early June Peas. Decrees of condemnation. Portion of product ordered delivered to a hospital; remainder ordered released under bond to be relabeled.** (F. D. C. Nos. 4823, 5809. Sample Nos. 40857-E, 59316-E.)

Both of these products fell below the standard of quality for canned peas because the peas were excessively mealy and more than 25 percent of them were ruptured. The label of the cooked dry peas also failed to bear the name of the optional ingredient, i. e., it failed to state whether the peas were the Early June type or the sweet wrinkled type.

On May 26 and September 20, 1941, the United States attorneys for the Southern District of West Virginia and the Eastern District of Pennsylvania filed libels against 48 cases each containing 24 No. 2 cans of dried peas at Huntington, W. Va., and 295 cases each containing 24 No. 2 cans of Early June peas at Philadelphia, Pa., alleging that they had been shipped on or about March 12 and August 16, 1941, by Phillips Sales Co., Inc., from Cambridge, Md.; and charging that they were misbranded. They were labeled in part: "Olympia Brand specially prepared by soaking selected ripe dried peas Cooked Dry Peas" and "Phillips Delicious Early June Peas."

Both lots were alleged to be misbranded in that they purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but their quality fell below such standard in that the alcohol-insoluble solids were more than 23.5 percent, and in the case of the canned dried peas the skins of more than 25 percent of the peas were ruptured to a width of ¼ inch or more; and their labels failed to bear in such manner and form as the regulations specify, a statement that they fell below such standard. The canned dried peas were alleged to be misbranded further in that they purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but their label did not bear the name of the optional pea ingredient present.

On August 25, 1941, no claimant having appeared for the portion of the product seized at Huntington, judgment of condemnation was entered and the product was ordered delivered to a nearby hospital. On October 23, 1941, Phillips Sales Co. having appeared as claimant for the portion of the product seized at Philadelphia, judgment of condemnation was entered and it was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2240. Adulteration of canned field peas. U. S. v. 38 Cases of Canned Field Peas with Snaps. Default decree of condemnation and destruction.** (F. D. C. No. 3366. Sample No. 20495-E.)

Examination showed that this product contained insect larvae and eggs.

On November 18, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 38 cases, each containing 24 No. 2 cans, of field peas with snaps at Columbia, S. C., alleging that the article had been shipped on or about October 3, 1940, by R. O. Kelley Cannery from Mitchell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kelley's Best \* \* \* Georgia Field Peas with Snaps."

On June 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2241. Misbranding of canned pimientos. U. S. v. 195 Cases of Canned Pimientos. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 4386. Sample No. 69009-E.)

Examination showed that this product was not of Fancy quality, as labeled, because the pimientos were ragged, broken, and trimmed, and were not uniform in color.

On April 22, 1941, the United States attorney for the Southern District of New York filed a libel against 195 cases, each containing 48 cans, of pimientos at New York, N. Y., alleging that the article had been shipped on or about November 23, 1940, by Old Mission Packing Corporation, Ltd., from North San Diego, Calif.; and charging that it was misbranded in that the term "Fancy" was false and misleading for the reasons appearing above. The article was labeled in part: (Cans)