

but its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 6, 1941, the W. D. Ross Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law and that the label must include the statement, "Mixed Pieces of Irregular Sizes and Shapes."

2733. Misbranding of canned pears. U. S. v. 25 Cases of Canned Pears. Default decree of forfeiture and destruction. (F. D. C. No. 4741. Sample No. 60564-E.)

These pears were not tender and were excessively trimmed and thereby fell below the standard of quality prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act; but their labels did not bear in such manner and form as the regulations specify, a statement that they fell below such standard, viz, "Below Standard in Quality—Good Food—Not High Grade." This product also failed to conform to the prescribed definition and standard of identity for canned pears because its label did not bear the name of the optional pear ingredient, viz, "Pear Halves"; nor the name of the optional liquid packing medium, viz, "Medium Sirup."

On May 9, 1941, the United States attorney for the District of Idaho filed a libel against 25 cases, each containing 6 No. 10 cans, of pears at Lewiston, Idaho, alleging that the article had been shipped on or about September 24, 1940, by F. W. Dustan & Son from Clarkston, Wash.; and charging that it was misbranded. It was labeled in part: "Julietta Brand Pears."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but it was substandard in quality [for tenderness] because a weight of more than 300 grams was required to pierce each of the units tested, and [for trim] in that the halves were trimmed so excessively that their normal shape was not preserved; and the label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

It was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed, but it failed to conform to such standard because its label did not bear the name of the optional pear ingredient and of the optional liquid packing medium present therein.

On June 4, 1941, no claimant having appeared, judgment of forfeiture was entered, and the product was ordered destroyed.

2734. Misbranding of canned corn. U. S. v. 750 Cases of Canned Corn (and 3 other seizures of canned corn). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 4444, 4510. Sample Nos. 14297-E, 69019-E to 69021-E, incl.)

This corn not only was overmature, but a portion was found to contain kernels that were off color and off flavor because of scorching. A portion that was labeled "Country Gentleman Corn" failed to bear on the label the name of the food specified in the definition and standard of identity, that is, "White Sweet Corn," "White Corn," or "White Sugar Corn."

On April 23 and 25, 1941, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 941 cases each containing 24 No. 2 cans of corn at Newark, N. J., and 750 cases each containing 24 No. 2 cans of corn at East Lansdowne, Pa., alleging that the article had been shipped on or about December 21, 1940, and January 27, 1941, by Stoops Packing Co. from Van Wert, Ohio; and charging that it was misbranded. It was labeled in part: "Uco Our Best [or "The Better"] Grade Fancy Cream Style Golden [or "Country Gentleman"] Sweet Corn"; or "Tigo Brand Fancy Cream Style Golden Sweet Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article (750 cases) that was not Fancy because of the presence of overmature corn; (850 cases) that was not Fancy because of the presence of overmature corn and of off color and flavor due to scorching; and (91 cases) that was not Fancy because of the presence of old and tough kernels. A portion of the product was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but the labels failed to bear the name of the food specified in the definition and standard.

On May 12 and 14, 1941, Stoops Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the

product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2735. Adulteration of canned peas and carrots. U. S. v. 20 Cases of Canned Peas and Carrots. Default decree of condemnation and destruction. (F. D. C. No. 5775. Sample No. 61365-E.)

Examination of this product showed that the peas contained weevils.

On September 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 cases of canned peas and carrots at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by 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. It was labeled in part: (Cans) "Dinette * * * Dried Sweet Peas and Diced Carrots."

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2736 and 2737 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

2736. Misbranding of canned peas. U. S. v. 89 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered distributed to charitable institutions. (F. D. C. Nos. 5816, 5834, 5878, 6338. Sample Nos. 56288-E, 74040-E, 74487-E, 74833-E.)

On or about September 24 and 29 and on December 3, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against 89 cases each containing 24 No. 2 cans of peas at Jersey City, 323 cases each containing 24 No. 2 cans of peas at Clifton, and 1,053 cases each containing 24 No. 2 cans of peas at Irvington, N. J., and 29 cases each containing 24 No. 2 cans of peas at New Haven, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about February 17 to on or about June 24, 1941, by Lineboro Canning Co., in part from Baltimore and in part from Lineboro, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Rugby [or "Taste Best"] Brand Early June Peas Packed By Lineboro Canning Co., Inc. Lineboro, Md.," or "Cargo Early June Peas * * * United Grocery Co. Distributors Irvington, N. J."

The article was alleged to be misbranded 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 failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 18 and 23, 1941, no claimant having appeared for the product seized at Jersey City and New Haven, judgments of condemnation were entered and it was ordered distributed to charitable institutions on condition that the labels first be destroyed. On December 23, 1941, and March 25, 1942, Lineboro Canning Co., claimant for the 323 cases seized at Clifton, and United Grocery Co., claimant for the 1,053 cases seized at Irvington, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2737. Misbranding of canned peas. U. S. v. 66 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3589. Sample No. 28967-E.)

On December 28, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 66 cases of canned peas at Charles Town, W. Va., alleging that the article had been shipped in interstate commerce on or about July 6 and 15, 1940, by D. C. Winebrenner & Son, Inc., to the place of business of the shipper, Charles Town, W. Va.; and charging that it was misbranded. The article was labeled in part: "Carroll County Brand Early June Peas Contents 1 Lb. 4 Ozs. Packed by Bankert Bros. Hampstead, Md."

It was alleged to be misbranded 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 the said standard.