

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

3335. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6870. Sample No. 84537-E.)

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature. Furthermore, it fell below the standard of fill of container for canned peas.

On February 16, 1942, the United States attorney for the Eastern District of New York filed a libel against 539 cases, each containing 36 1-pound cans, of peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1941, by Big Horn Canning Co. from Cowley, Wyo.; and charging that it was misbranded. It was labeled in part: (Cans) "Moosalina Brand * * * Fancy Sweet Peas Packed For Moosalina Products Corp., Brooklyn, N. Y."

The article was alleged to be misbranded (1) in that the designation "Fancy" was false and misleading as applied to an article not of Fancy quality, since it consisted of too mature peas; and (2) in that it purported to be and was represented as a food for which a standard of fill of container had been promulgated by regulation as provided by law, but it fell below such standard and its label failed to bear in such manner and form as the regulation specifies, a statement that it fell below such standard.

On March 23, 1942, Moosalina Products Corporation, 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.

3336. Misbranding of canned peas. U. S. v. 176 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 5435. Sample No. 53265-E.)

This product was not of Fancy quality, as labeled, because of the presence of some hard peas and because many of the peas were too old to be of Fancy quality.

On September 2, 1941, the United States attorney for the District of Arizona filed a libel against 176 cases, each containing 36 cans, of peas at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about July 15, 1941, by Rogers Canning Co. from Freewater, Oreg.; and charging that it was misbranded in that the term "Fancy" was false and misleading because the food was not of Fancy quality. The article was labeled in part: (Cans) "Iris Brand Fancy Telephone Sweet Peas Net Weight 1 Lb." or "Iris Brand Fancy Mixed Sizes Sweet Peas."

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3337. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6914. Sample No. 84543-E.)

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature.

On February 26, 1942, the United States attorney for the Southern District of New York filed a libel against 1,500 cases, each containing 24 No. 2 cans, of peas at New York, N. Y., alleging that the article had been shipped on or about February 4, 1942, by Cambria Canning Corporation from Fall River, Wis.; 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 the peas were too mature. The article was labeled in part: (Cans) "Pope Brand * * * Fancy Sweet Peas M. De Rosa, Inc., Distributors, New York, N. Y."

On March 20, 1942, M. De Rosa, Inc., 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.

3338. Misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Product adjudged misbranded and ordered released under bond for relabeling. (F. D. C. No. 6803. Sample No. 80153-E.)

Examination showed that this product was not of Fancy quality because the peas were too mature.