

4827. Misbranding of canned peas. U. S. v. 1,066 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9418. Sample No. 13628-F.)

On February 25, 1943, the United States attorney for the District of Arizona filed a libel against 1,066 cases, each containing 24 cans, of peas at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by R. D. Pringle & Co. from Cambria, Wis.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Little Farmer Brand * * * Large Sweet Peas."

On April 26, 1943, the Safeway Stores having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4828. Misbranding of canned peas. U. S. v. 547 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6798. Sample No. 84082-E.)

On February 3, 1942, the United States attorney for the Northern District of New York filed a libel against 547 cases, each containing 24 cans, of peas at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about December 31, 1941, by the Greenmount Canning Co. from Greenmount, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Happy Meal Brand Run of Pod Early June Peas."

On May 14, 1943, the Greenmount Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4829. Misbranding of canned peas. U. S. v. 279 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9370. Sample No. 86955-F.)

On February 12, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 279 cases, each containing 24 cans, of peas at Culpeper, Va., alleging that the article had been shipped in interstate commerce on or about August 10, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Sword Early June Peas * * * Nationally Distributed By Household Products Co. * * * Chicago."

The article was further alleged to be misbranded in that the statement "Sword foods are full flavored and fresh, conforming to the United States Government regulations for standard grade merchandise," borne on the label, was false and misleading since the article was of sub-standard quality. In addition to containing high alcohol-insoluble solids, more than 25 percent by count of the peas in the container were ruptured.

On March 12, 1943, the H. J. McGrath Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4830. Misbranding of canned peas. U. S. v. 600 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8398. Sample No. 17978-F.)

On September 28, 1942, the United States attorney for the Southern District of New York filed a libel against 600 cases, each containing 6 cans, of early June peas at New York, N. Y., which had been consigned by Albert W. Sisk, alleging that the article had been shipped in interstate commerce on or about August 28, 1942, from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Can) "Old Reliable Brand Early June Peas Packed by Lord-Mott Co. Inc Baltimore, Md."

In addition to charging violation of the standard of quality, the libel alleged that the article purported to be and was represented as a food for which a standard of fill of container had been prescribed, but fell below such standard of fill of container and its label failed to bear a statement that it fell below such standard.

On October 29, 1942, the Lord-Mott Co., Inc., of Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for proper relabeling under the supervision of the Food and Drug Administration.

4831. Action to restrain shipment in interstate commerce of adulterated canned pumpkin and squash. U. S. v. Salem County Cannery, Inc. Consent decree ordering permanent injunction. (Inj. No. 46.)

On December 29, 1942, the United States attorney for the District of New Jersey filed a complaint against the Salem County Cannery, Inc., a corporation, Clinton, N. J., alleging that from on or about October 14, 1942, up to the date of filing the complaint, the defendant had been preparing and packing pumpkin and squash under insanitary conditions whereby it might have become contaminated with filth and whereby it might have been rendered injurious to health; that said product so prepared and packed by the defendant consisted in whole or in part of a filthy substance, which was unfit for food and was adulterated in violation of the law; that it was being offered for interstate shipment at various intervals to various States outside the District of New Jersey; that various investigations and inspections showed insanitary conditions of the plant of defendant, and the defendant had been warned to remedy such conditions and not to ship products which were adulterated in violation of the law; and that despite such warning the defendant had failed to remedy the defects in its methods of operation and was continuously manufacturing, preparing, and packing adulterated canned pumpkin and squash. The complaint alleged further that immediate and irreparable loss and damage would ensue unless an injunction issue, and prayed that after proper notice a preliminary injunction issue, and that the preliminary injunction be made permanent after due proceedings.

On January 22, 1943, the defendant having consented to the entry of a decree, judgment was entered ordering that the defendant and all his representatives, officers, and agents, and all persons acting on his behalf be perpetually enjoined and restrained from shipping in interstate commerce adulterated pumpkin or squash which had been manufactured or would be manufactured by the defendant.

4832. Adulteration of canned pumpkin. U. S. v. 198 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 9173. Sample No. 23146-F.)

On January 12, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 198 cases, each containing 24 cans, of pumpkin at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 22, 1942, by the Brakeley Canning Co. from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "Penn Treaty Brand Pumpkin * * * Packed for Quaker City Grocery Co., Inc. Phila., Penna."

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4833. Adulteration of canned pumpkin. U. S. v. 230 Cartons and 93 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9155, 9212. Sample Nos. 23145-F, 44505-F.)

This product contained insect fragments and a portion also contained rodent-like hairs.

On January 7 and 19, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Southern District of New York filed libels against 230 cartons of canned pumpkin at Philadelphia, Pa., and 93 cases of canned pumpkin at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about December 14 and 23, 1942, from Quinton, N. J., by Comley-Flanigen Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Seal Brand Pumpkin."

On January 22 and February 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4834. Adulteration of canned pumpkin. U. S. v. 95 Cases and 75 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9210, 9211. Sample Nos. 44503-F, 44504-F.)

This product contained insect fragments.

On January 19, 1943, the United States attorney for the Southern District of New York filed libels against a total of 170 cases, each containing 6 cans, of pumpkin at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by Wm. E. Silver Sales Co.