

alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by the Clyman Canning Co. from Clyman, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Aunt Nellies Sliced Beets Salt and Vinegar Added Contents 1 Lb. 11 Oz."

It was alleged to be adulterated in that excessive packing medium had been substituted in whole or in part for beets. It was alleged to be misbranded in that its container was so filled as to be misleading, since several ounces more of sliced beets could be packed in the jars, and this slack-filling was not apparent to the purchaser because of the dark color of the packing medium.

On September 29, 1943, no claimant having appeared, judgment was entered nunc pro tunc as of September 10, 1943, condemning the product and ordering that it be delivered to the Veterans' Administration to be used by that Administration and not sold.

5522. Misbranding of cabbage. U. S. v. James N. Barron, William E. Garland and William H. Russum (Produce Exchange). Pleas of nolo contendere. Fine of \$25 with respect to each individual. (F. D. C. No. 9690. Sample Nos. 6663-F, 6688-F.)

On September 10, 1943, the United States attorney for the Southern District of Mississippi filed an information against James N. Barron, William E. Garland, and William H. Russum, trading as the Produce Exchange at Crystal Springs, Miss., alleging shipment on or about May 11 and 13, 1943, from the State of Mississippi into the State of Tennessee of quantities of cabbage that was misbranded. The article was labeled in part: (Bags) "50 lbs. Net * * * Uniform Brand Round Type Cabbage," or "Victory Brand 50 Lbs. Net Selected Mississippi Round Type Cabbage * * * Distributed By Crystal Produce Co. Crystal Springs, Miss."

It was alleged to be misbranded (1) in that the statement "50 Lbs. Net," borne on the bags, was false and misleading since the weight of the contents of the bags was less than 50 pounds net; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 3, 1944, pleas of nolo contendere having been entered, the court imposed a fine of \$25 upon each individual defendant.

5523. Adulteration of canned corn. U. S. v. 222 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10423. Sample No. 37278-F.)

On August 16, 1943, the United States attorney for the District of Maryland filed a libel against 222 cases, each containing 24 cans, of corn at Salisbury, Md., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by Howard E. Jones & Co. from Oxford, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence therein of sour and fermented corn. The article was labeled in part: (Can) "Realm Cream Style White Sweet Corn * * * Nationally Distributed by Household Products Co. General Offices, Chicago."

On September 27, 1943, the New Oxford Canning Co., New Oxford, Pa., 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, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

5524. Misbranding of canned peas. U. S. v. 196 Cases and 557 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10719, 10946. Sample Nos. 23743-F, 25384-F, 25385-F.)

On September 9 and October 15, 1943, the United States attorneys for the Eastern District of Pennsylvania and the District of Columbia filed libels against 196 cases of canned peas at Lancaster, Pa., and 557 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 15 and September 7, 1943, by Thomas & Co., from Gaithersburg, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Thomas Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard

since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the article in the container was more than 23.5 percent, and in one of the lots the skins of more than 25 percent by count of the peas in the container were ruptured to a width of 1/16 inch or more; and its labels failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 24 and October 25, 1943, Thomas & Co., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5525. Misbranding of canned peas. U. S. v. 99 Cases and 43 Cases of Canned Peas. Decrees of condemnation. A portion of product ordered delivered to a charitable institution. Remainder ordered released under bond. (F. D. C. Nos. 10368, 10833. Sample Nos. 46345-F, 46365-F.)

On August 14, and October 7, 1943, the United States attorney for the Eastern District of North Carolina filed libels against a total of 142 cases, each containing 24 cans, of peas at Rocky Mount, N. C., alleging that the article had been shipped in interstate commerce on or about July 8 and July 12, 1943, by the Southgate Brokerage Co., Inc., from Norfolk, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Jo-Anne Brand * * * Pod Run Early June Jeas Packed By Earl Daniel Deltaville, Virginia," or "Lynnhaven Brand Sifted Early June Peas * * * Southgate Foods Distributors Norfolk, Va."

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 since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the article in the container were more than 23.5 percent, and since the skins of more than 25 percent of the peas in the container were ruptured to a width of 1/16 inch or more; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 17, 1943, Earl Daniel, claimant for the "Jo-Anne Brand," having admitted the allegations of the libel covering said brand, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently relabeled. On December 4, 1943, no claim having been entered for the "Lynnhaven Brand," judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5526. Misbranding of canned peas. U. S. v. 201 Cases of Canned Peas (and 2 additional seizure actions against canned peas). Decrees of condemnation. One lot ordered released under bond for relabeling; remaining lots ordered destroyed. (F. D. C. Nos. 10350, 10391, 10392. Sample Nos. 20238-F, 20239-F, 23717-F.)

On August 2 and 12, 1943, the United States attorneys for the District of Pennsylvania and the District of Massachusetts filed libels against 201 cases of canned peas at Philadelphia, Pa., and 179 cases of canned peas at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about June 8 and June 21, 1943, by the Eastern Shore Canning Co. from Machipongo, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Virginia's Best Early June Peas," "Eastern Shore Brand Sifted Early June Peas," or "Escco Brand Sweet Peas."

The article was alleged to be misbranded in that it purported to be and was represented as canned peas, a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since 1 lot was a smooth-skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, and they contained an excessive proportion of peas that were ruptured to a width of 1/16 inch or more; and the remaining 2 lots were sweet, wrinkled varieties of peas, and the alcohol-insoluble solids of the peas in the containers were more than 21 percent, and they failed to meet the test for tenderness prescribed by the regulations; and their labels failed to bear, in such manner and form as the regulations specify, a statement that they fell below such standard.

On August 27, 1943, the Great Atlantic and Pacific Tea Co., of Philadelphia, Pa., having appeared as claimant for the lot located at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On September 20, 1943, no claimant having appeared for the lots located at Fall