

**5728. Adulteration of yellow split peas. U. S. v. 10 Bags of Yellow Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 10665. Sample No. 56045-F.)**

On September 7, 1943, the United States attorney for the Southern District of New York filed a libel against 10 bags of yellow split peas at New York, N. Y., alleging that the article had been shipped on or about April 11, 1942, by the East Michigan Warehouse Co., Port Huron, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of larvae and insect excreta. The article was labeled in part: "Packed for Chamberlain Bean & Pea Co. Pt. Huron, Mich."

On November 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5729. Adulteration and misbranding of canned peas. U. S. v. 156 Cases and 793 Cases of Canned Peas. Decrees of condemnation. One portion was ordered released under bond to be relabeled and the remainder was ordered destroyed. (F. D. C. Nos. 10823, 10877. Sample Nos. 7000-F, 41125-F.)**

On September 23 and October 22, 1943, the United States attorneys for the Eastern District of Missouri and the Northern District of Texas filed libels against 156 cases and 793 cases, each containing 24 cans, of peas at St. Louis, Mo., and Dallas, Tex.; alleging that the article had been shipped in interstate commerce on or about July 5 and September 1, 1943, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.; and charging that it was adulterated and misbranded. The lot at Dallas (79 cases) was labeled in part: (Cans) "Myrna Early June Peas," and the other lot was unlabeled.

The lot at St. Louis was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The lot at Dallas was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality has been prescribed by regulations as provided by law, but its quality fell below such standard because the article was a smooth-skin variety of peas and the alcohol-insoluble solids were more than 23.5 percent.

On November 29, 1943, the Griffin Grocery Co., Dallas, Tex., having appeared as claimant for the lot at Dallas, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. On March 4, 1944, the Elkhart Lake Canning Co., having appeared as claimant for the lot at St. Louis, but having failed to file answer or other pleading, default was noted, judgment of condemnation was entered and the product was ordered destroyed.

**5730. Misbranding of canned peas. U. S. v. 1,472 Cases of Canned Peas (and 4 other seizure actions involving canned peas). Decrees of condemnation. Portion of product ordered delivered to charitable institutions; remainder ordered released under bond for relabeling. (F. D. C. Nos. 10693, 10987, 11054, 11055, 11208. Sample Nos. 37346-F, 46126-F, 46129-F, 53419-F, 53420-F, 53448-F, 53454-F.)**

This product was a smooth-skin variety of peas and was substandard in quality because the alcohol-insoluble solids of the peas were more than 23.5 percent, and in one portion the skins of more than 25 percent were ruptured to a width of  $\frac{1}{16}$  inch or more.

Between September 10 and December 4, 1943, the United States attorneys for the Eastern District of South Carolina and the Northern District of West Virginia filed libels against 1,472 cases of canned peas at Charleston, S. C., 1,707 cases of canned peas at Clarksburg, W. Va., 114 cases of canned peas at Buckhannon, W. Va., 169 cases of canned peas at Elkins, W. Va., and 41 cases of canned peas at New Martinsville, W. Va., each case containing 24 cans, alleging that the article had been shipped within the period from on or about July 13 to August 16, 1943, by the Southern Packing Company, Inc., from Cavetown, Md., and Mountain Lake Park, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Value Brand \* \* \* Early June Peas [or "Mountain Lake Brand June Peas"] Southern Packing Co., Inc., Distributors Baltimore, Md."

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 has been prescribed by regulations as provided by law and 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 the standard.