

cream-style canned corn; and in that the designation "U. S. Grade A Fancy" was misleading since it implied that the product was packed under continuous U. S. inspection whereas it was not.

**DISPOSITION:** August 9, 1944. The Lee Grocery Co., having appeared as claimant and consented to the entry of the 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.

**Nos. 6135-6148** report actions involving a smooth-skin variety of peas, a food for which a standard of quality has been prescribed by regulations, and the products fell below that standard since the amount of alcohol-insoluble solids of the peas in the containers was more than 23.5 percent; and the labels failed to bear, as the regulations specify, a statement that the peas fell below the standard. In addition, **Nos. 6135-6139** report actions involving peas that were misbranded because of failure to bear other mandatory labeling.

**6135. Misbranding of canned peas. U. S. v. 220 Cases of Peas (and 1 other seizure action involving canned peas). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 12459, 12506. Sample Nos. 46300-F, 62453-F.)**

**LIBEL FILED:** June 5, 1944, Eastern District of Missouri; June 2, 1944, Northern District of Illinois.

**ALLEGED SHIPMENT:** From on or about August 14 to November 8, 1943, by the Columbia Canning Co., Cambria, Wis.

**PRODUCT:** 220 cases of canned peas at Chicago, Ill., and 1,645 cases at St. Louis, Mo., each case containing 24 cans.

**LABEL, IN PART:** (St. Louis lot, cases stencilled) "Unlabeled E. J. Peas," and (Chicago lot, cans) "Early Peas."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (h) (1), the product was below standard. In addition, the product at St. Louis, Mo., was misbranded, Section 403 (e) (1), in that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (g) (2), it purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** July 6, 1944, the Columbia Canning Co. having appeared as claimant for the lot at Chicago and the General Grocer Co., St. Louis, Mo., having appeared as claimant for the lot at that city, and the claimants having admitted the facts set forth in the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6136. Misbranding of canned peas. U. S. v. 41 Cases of Canned Peas. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 12190. Sample No. 57975-F.)**

**LIBEL FILED:** April 18, 1944, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 9, 1943, by the Fremont Canning Co., from Fremont, Nebr., to the Colorado Brokerage Co., Denver, Colo.; re-shipped to Sterling, Colo. Invoiced as a substandard grade.

**PRODUCT:** 41 cases of canned peas at Sterling, Colo.

**VIOLATIONS CHARGED:** Misbranded (when introduced into interstate commerce), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** June 14, 1944. No claimant having appeared, judgment of condemnation was entered and product was ordered sold to the highest bidder, the purchaser to relabel product under the supervision of the Food and Drug Administration.

**6137. Misbranding of canned peas. U. S. v. 185 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12305. Sample Nos. 72732-F, 72733-F.)**

**LIBEL FILED:** May 3, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 15, 1943, by the Waldo Canning Co., from Waldo, Wis.