

**6346. Misbranding of canned peas. U. S. v. 1,984 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11249. Sample No. 46696-F.)**

**LIBEL FILED:** December 7, 1943, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about August 10, 1943, by the Saukville Canning Co., Saukville, Wis.

**PRODUCT:** 1,984 cases, each containing 24 unlabeled cans, of peas at Detroit, Mich.

There was no written agreement between the shipper and the consignee as to the labeling of the product. The shipment was invoiced as substandard peas.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (e) (1), the product was a 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; Section 403 (g) (2), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the definition and standard; and Section 403 (h) (1), it was a smooth skin variety of peas and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend.

**DISPOSITION:** January 27, 1944. Philip N. Shammass, doing business as the S. & G. Wholesale Grocery Co., Detroit, Mich., having appeared as claimant and 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.

**6347. Misbranding of canned peas. U. S. v. 2,499 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10846. Sample No. 53166-F.)**

**LIBEL FILED:** On or about October 4, 1943, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 11, 1943, by W. C. Powell & Co., Inc., from Norfolk, Va.

**PRODUCT:** 2,499 cases, each containing 24 cans, of peas at Durham, N. C.

**LABEL, IN PART:** (Cans) "Gibbs \* \* \* Sifted Early June Peas Packed by Gibbs & Co., Inc., Baltimore, Md."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the product was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and the skins of more than 25 percent by count of the peas in the container were ruptured to a width of  $\frac{1}{16}$  inch or more; and its label did not bear the substandard legend, as required by the regulations.

**DISPOSITION:** February 2, 1944. Gibbs & Co., Inc., claimant, having admitted that the article fell below the standard prescribed by the regulations, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6348. Misbranding of canned peas. U. S. v. 100 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11436, 11439, 11513, 11573. Sample Nos. 58525-F, 58526-F, 58529-F, 58530-F.)**

**LIBEL FILED:** Between December 16, 1943, and January 4, 1944, District of Columbia.

**ALLEGED SHIPMENT:** From on or about June 16 to September 20, 1943, by A. W. Feeser & Co., Inc., from Silver Run and Taneytown, Md.

**PRODUCT:** 1,920 cases, each containing 24 cans, of peas at Washington, D. C.

**LABEL, IN PART:** (Cans) "Mabro \* \* \* Early June Peas Distributed by Mazo Bros. Co. Washington D. C.," or "Keymar Brand Early June Peas."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), this product was below standard because of the high alcohol-insoluble solids content of all the lots. In addition, two lots were below standard because of the high percentage of ruptured peas in the containers.

**DISPOSITION:** January 14, 1944. The cases having been consolidated, and A. W. Feeser & Co., Inc., Westminster, Md., having appeared as claimant, 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.

**6349. Adulteration of canned spinach. U. S. v. 384 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 11069. Sample Nos. 40838-F, 41248-F, 41249-F.)

**LIBEL FILED:** On or about November 13, 1944, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 10, 1943, by the Okeena Canning Co., from Dyersburg, Tenn.

**PRODUCT:** 384 cases, each containing 6 No. 10 cans, of spinach at Gulfport, Miss.

Examination showed that the product consisted in part of a sour, decomposed product, contaminated with viable micro-organisms, and that it was undergoing active spoilage.

**LABEL, IN PART:** (Cans) "Okeena Club Spinach."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** March 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRIED VEGETABLES

**6350. Adulteration of dried red peppers. U. S. v. 49 Bags of Dried Red Peppers. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 11887. Sample No. 41439-F.)

**LIBEL FILED:** March 16, 1944, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about October 26, 1943, from Los Angeles, Calif.

**PRODUCT:** 49 bags, each containing 200 pounds, of dried red peppers at Houston, Tex., in possession of the Quick Service Warehouse & Cold Storage Co.

The article had been stored under insanitary conditions after shipment. The bags were rodent-gnawed and bore rodent excreta. Examination showed that the article was rodent-gnawed and contaminated with rodent excreta and rodent hairs.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** March 31, 1944. C. B. Gentry, Los Angeles, Calif., claimant, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. The unfit portion was subsequently destroyed.

**6351. Adulteration of dried mushrooms and misbranding of Solo-Cup. U. S. v. Sokol & Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 10587. Sample Nos. 15142-F, 37885-F, 44206-F, 44207-F.)

**INFORMATION FILED:** On December 30, 1943, in the Northern District of Illinois, against Sokol & Co., a corporation, Chicago, Ill.

**ALLEGED SHIPMENT:** From the State of Illinois into the States of California and New York, within the period from on or about October 9, 1942, to April 29, 1943, of a quantity of dried mushrooms, and into the State of Indiana, on or about March 12, 1943, of a quantity of Solo-Cup.

**LABEL, IN PART:** "Shield Brand Dried Mushroom," "Solo Fancy Dried Mushroom," "Solo-Cup \* \* \* A Refreshing Beverage Prepared Same As Coffee Made From Roasted Cereals Figs and Vegetables \* \* \* Solo Products Co., Chicago."

**VIOLATIONS CHARGED:** Adulteration, dried mushrooms, Section 402 (a) (3), they consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Maggots, rodent hair, larvae, insects, insect fragments, rodent hair fragments, and larvae fragments.

Misbranding, Solo-Cup, Section 403 (a), the statement "Figs," on the package label, was false and misleading since the article did not contain figs; the state-