

6739. Misbranding of canned peas. U. S. v. 152 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10388. Sample No. 46344-F.)

LIBEL FILED: August 17, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 23, 1943, by the Eastern Shore Canning Co., Machipongo, Va.

PRODUCT: 152 cases, each containing 24 1-pound, 4-ounce cans, of peas at Henderson, N. C.

LABEL, IN PART: (Can) "Virginia's Best Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), in addition to being below standard because of high alcohol-insoluble solids, the product was misbranded under Section 403 (h) (2) because it fell below the standard of fill of container.

DISPOSITION: January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

6740. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12193. Sample No. 62445-F.)

LIBEL FILED: On or about April 17, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 8, 1943, by the J. B. Inderrieden Co., from Hampshire, Ill.

PRODUCT: 98 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo.

The article was shipped unlabeled and invoiced as standard.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the product was a food in package form, and it 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), it was below standard.

DISPOSITION: May 6, 1944. The Lucido Bros. Grocery Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The article was relabeled.

6741. Adulteration of canned okra. U. S. v. 72 Cases of Canned Okra. Default decree of condemnation and destruction. (F. D. C. No. 12143. Sample No. 54160-F.)

LIBEL FILED: April 6, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about January 24, 1944, by the Southern Shell Fish Co., Inc., from Laurel, Miss.

PRODUCT: 72 cases, each containing 24 1-pound, 2-ounce cans, of okra at Bisbee, Ariz.

LABEL, IN PART: (Cans) "Gulf Pride Brand Cut Okra."

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

DISPOSITION: May 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6742. Misbranding of onions. U. S. v. Ady & Milburn, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 11372. Sample No. 57903-F.)

INFORMATION FILED: On March 10, 1944, in the District of Colorado, against Ady & Milburn, Inc., La Junta, Colo.

ALLEGED SHIPMENT: On or about October 11, 1943, from the State of Colorado into the State of Illinois.

LABEL, IN PART: "A & M 50 Lbs. Net Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "50 Lbs. Net" was false and misleading as applied to the product, which was short weight; and, Section 403 (e) (2), the product was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 8, 1944. A plea of nolo contendere having been entered, the defendant was fined \$100.