

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** July 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold as substandard peas. The proceeds of the sale were to be paid to the Treasurer of the United States.

**9958. Misbranding of canned peas. U. S. v. 150 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 20271. Sample No. 40662-H.)**

**LIBEL FILED:** June 17, 1946, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 12 and 16, 1945, by the Sycamore Preserve Works, from Sycamore, Ill.

**PRODUCT:** 150 cases, each containing 24 1-pound, 4-ounce cans, of peas at St. Louis, Mo. The product was shipped unlabeled, but it was invoiced as standard peas. No written agreement existed between the shipper and consignee as to the labeling of the article.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; 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; and, Section 403 (h) (1), it fell below the standard for an Alaska or other smooth-skin variety of peas since the alcohol-insoluble solids of the peas were more than 23.5 percent, and it was not labeled as substandard.

**DISPOSITION:** July 8, 1946. The General Grocer Co., St. Louis, Mo., claimant, having consented to the entry of a decree, 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 Food and Drug Administration.

**9959. Misbranding of canned peas. U. S. v. 28 Cases of Canned Peas. Default decree of forfeiture and destruction. (F. D. C. No. 20070. Sample No. 52919-H.)**

**LIBEL FILED:** On or about June 10, 1946, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 28, 1945, by the Eavey Co., from Xenia, Ohio.

**PRODUCT:** 28 cases, each containing 24 1-pound, 4-ounce cans, of peas at Richmond, Va.

**LABEL, IN PART:** "Cu-Pee Brand Medium Size Early June Peas Packed by Winchester Canning Company, Canal Winchester, Ohio."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** July 12, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**9960. Misbranding of canned peas. U. S. v. 135 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19771. Sample No. 65016-H.)**

**LIBEL FILED:** August 12, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 19, 1945, by Swinger and Binenstock, from Philadelphia, Pa.

**PRODUCT:** 135 cases, each containing 24 1-pound, 4-ounce cans, of peas at Trenton, N. J. The product was shipped unlabeled, and labels were applied by the dealer after receipt of the shipment. No written agreement existed between the shipper and consignee as to the labeling of the article.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product was canned peas, a food for which a definition and standard of identity has been prescribed by regulation, and the label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** August 12, 1946. The Italo American Grocery Co., Trenton, N. J., claimant, having 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.

**9961. Adulteration of dried green peas. U. S. v. 339 Bags of Dried Green Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19836. Sample Nos. 46849-H, 46850-H.)**

**LIBEL FILED:** May 10, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 21 and March 16, 1946, by the McDonnell Seed Co., from Spokane, Wash.

**PRODUCT:** 339 100-pound bags of dried green peas at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils.

**DISPOSITION:** June 10, 1946. The Taylor-Walcott Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock or poultry feed, under the supervision of the Federal Security Agency.

**9962. Adulteration and misbranding of sauerkraut. U. S. v. 6 Cases and 3 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 19978. Sample No. 63412-H.)**

**LIBEL FILED:** May 29, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 23, 1945, and January 24, 1946, by the Hungarian Pickle Products Co., from Brooklyn, N. Y.

**PRODUCT:** 6 cases, each containing 12 jars, and 3 cases, each containing 4 jars, of sauerkraut at Paterson, N. J. Some of the containers of the product were 36-ounce jars, and the remainder were gallon jars. All were labeled "1 Fl. Quart." The jars contained, respectively, an average of 22.97 ounces and 77.72 ounces, avoirdupois, of drained kraut. Such size containers should hold, respectively, a minimum of 28 ounces and 100 ounces, avoirdupois, of drained kraut.

**LABEL, IN PART:** "L and B Quality Sauerkraut."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for Sauerkraut.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to contain more sauerkraut than was actually the case; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9963. Adulteration of canned sauerkraut. U. S. v. 402 Cases of Canned Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 20376. Sample No. 52459-H.)**

**LIBEL FILED:** June 28, 1946, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 31, 1946, by the Mayfair Food Products Co., Chicago, Ill.

**PRODUCT:** 402 cases, each containing 6 5-pound cans, of sauerkraut at Cincinnati, Ohio.

**LABEL, IN PART:** "Barbara Lee Sauer Kraut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9964. Misbranding of canned sauerkraut. U. S. v. 97 Cases of Canned Sauerkraut. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 19706. Sample No. 1720-H.)**

**LIBEL FILED:** April 25, 1946, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 28, 1946, by the North State Canning Co., Inc., from Boone, N. C.