

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22076-22175

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 31, 1934]

22076. Misbranding of canned peas. U. S. v. 148 Cartons of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 27206. I. S. no. 29041.)

This case involved a shipment of canned peas which were substandard because of the presence of an excessive proportion of hard and mature peas, and which were not labeled to indicate that they were substandard.

On November 2, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cartons of canned peas at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about August 21, 1931, by the Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Glydon Brand Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md." together with a cut of vine of green peas.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since more than 10 percent of the peas were hard and mature, requiring a weight of 2 pounds or more to crush, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 14, the Phillips Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the labels be removed and that it be relabeled in conformity with the published requirements of the Secretary of Agriculture, to state definitely that it was inferior to the standard of quality promulgated by the Secretary.

M. L. WILSON, *Acting Secretary of Agriculture.*

22077. Adulteration of tomato paste. U. S. v. 250 Cases of Tomato Paste. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction entered. (F. & D. no. 27223. I. S. no. 24244. S. no. 5381.)

This case involved an interstate shipment of tomato paste which contained excessive mold.

On November 9, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about August 11, 1931, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging adulteration in violation