The article was alleged to be misbranded in that the statement on the label "Net Contents 12 Fl. Ozs." was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 1, 1936, Lyons-Magnus, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26229. Misbranding of canned peas. U. S. v. 149 Cases of Canned Peas. Consent decree of condemnation and destruction. (F. & D. no. 37607. Sample no. 55185–B.)

This case was based on an interstate shipment of canned peas contained in cans that were not properly labeled as to the quantity of contents, and that fell below the standard established by the Department of Agriculture because of the presence of an excessive proportion of peas that were not immature, and that were not labeled to indicate that they were substandard.

On April 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of canned peas at Chicago, Ill., alleging that the article was shipped in interstate commerce on or about March 3, 1936, by the Knellsville Pea Canning Co., from Port Washington, Wis., and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package; and 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 the peas were not tender, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 29, 1936, the Knellsville Pea Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26230. Misbranding of canned peas. U. S. v. 850 Cases and 39 Cans of Canned Peas. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed and remainder relabeled. (F. & D. no. 37642. Sample no. 55186–B.)

This case involved a shipment of canned peas that fell below the standard established by this Department because of the presence of an excessive amount of foreign material, thistle buds, and because the peas were not tender, and which were not labeled to indicate that they were substandard.

On April 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 850 cases and 39 cans of peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 28, February 29, March 2, and March 3, 1936, by the Knellsville Pea Canning Co., from Port Washington, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be 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 the peas were not tender and contained more than one piece of foreign material for each 2 ounces, namely, about three thistle buds per 2 ounces of net weight; and its 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 June 1, 1936, the Progressive Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be destroyed and that the remainder be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*