

an accurate statement of the quantity of the contents. It was labeled in part: (Cans) "Rand-Co Brand Pitted Black Cherries \* \* \* Packed for Randolph Wholesale Grocery Co., Chicago, Ill."

On February 28, 1940, Keystone Cooperative Grape Association, 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 this Department.

#### CANNED PEAS

**416. Adulteration and misbranding of canned peas. U. S. v. 14 Cases of Early June Peas. Default decree of condemnation and destruction. (F. D. C. No. 1168. Sample No. 68769-D.)**

This product was in interstate commerce and was labeled "Early June Peas." Investigation showed that it was canned dry peas, and also that it had been packed by a firm other than the one named on the label as the packer.

On December 11, 1939, the United States attorney for the District of New Jersey filed a libel against 14 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce or or about November 1, 1939, by York Star Canning Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Arlee Early June Peas \* \* \* Packed by Arlington Canning Co., Arlington, Wis."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas. It was alleged to be misbranded in that the statement "Early June Peas" and the design of peas in pods, borne on the label, were false and misleading, since it was canned soaked dry peas. It was alleged to be misbranded further in that the statement "Packed by Arlington Canning Co., Arlington, Wis." was false and misleading since it was packed by York Star Canning Co., Inc., New York, N. Y.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**417. Adulteration and misbranding of canned peas. U. S. v. 8 Cases of Canned Peas (and 2 other seizure actions involving canned peas). Default decrees of condemnation. Portion of product distributed to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 1140, 1141, 1144. Sample Nos. 68760-D, 68762-D, 68763-D, 68764-D.)**

This product consisted of canned dry peas and not early June peas as labeled.

On December 5 and 7, 1939, the United States attorney for the Southern District of New York filed libels against 17 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31 and November 7, 1939, by the Uco Food Corporation from Newark, N. J. On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended January 10, 1940) against 12 cases of canned peas at Brooklyn, N. Y., which had been consigned by Uco Food Corporation from Newark, N. J., on or about August 4 and November 10, 1939. A portion of the article was labeled in part: "Pultney Brand Early June Peas Packed by K. M. Davies Co., Inc. at Williamson, N. Y." The remainder was labeled in part: "Lawndale Brand \* \* \* Early June Peas \* \* \* Distributed By West Side Wholesale Grocery Co., Chicago, Ill."

The article was alleged to be adulterated in that dry peas had been substituted in whole or in part for early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," was false and misleading, since it was canned dry peas.

On December 28, 1939, and January 22, 1940, no claimant having appeared, judgments of condemnation were entered, and the lots seized at New York, N. Y., were ordered distributed to charitable institutions, and the lot seized at Brooklyn, N. Y., was ordered destroyed.

**418. Adulteration and misbranding of canned peas. U. S. v. 118 Cases of Early June Peas (and 9 other seizure actions against canned peas). Cases ordered consolidated. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 1142, 1149 to 1157, incl. Sample Nos. 68751-D to 68759-D, incl., 77706-D.)**

This product was canned dry peas. It was in interstate commerce and was labeled: "Early June Peas."

On December 5 and 9, 1939, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey filed libels against 118 cases of canned peas at Philadelphia, Pa., and 2,574 cases of canned peas