

it injurious to health. The article was labeled in part: "Golden Heart Kole-Pak Brand."

On April 29, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

600. Misbranding of potatoes. U. S. v. 180 Barrels of Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 285. Sample No. 69603-D.)

Examination showed that these potatoes were of a grade lower than U. S. Grade No. 1, because of excessive grade defects.

On July 12, 1939, the United States attorney for the Eastern District of New York filed a libel against 180 barrels of potatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 1939 [July 8, 1939], by M. Duer & Co., Inc., from Belle Haven, Va.; and charging that it was misbranded in that the statement "U. S. 1" was false and misleading when applied to potatoes below U. S. Grade No. 1. The article was labeled: "Lion Brand U. S. 1."

On August 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

601. Adulteration of canned apricots. U. S. v. 1,083 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. D. C. No. 1709. Sample Nos. 71554-D, 10247-E.)

Samples of this product were found to contain worms and worm fragments.

On March 25, 1940, the United States attorney for the Eastern District of New York filed a libel against 1,083 cases of canned apricots at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by the Banning Canning Co. from Banning, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bann-Co. Brand Preheated California Apricots."

On April 11, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

602. Adulteration of canned apricots. U. S. v. 500 Cartons of Canned Apricots (and 5 other seizure actions involving canned apricots). Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of the unfit fruit. Remainder ordered destroyed. (F. D. C. Nos. 1331, 1476, 1561, 1579, 1628, 1766. Sample Nos. 71230-D, 71547-D, 88750-D, 98688-D, 98689-D, 6182-E.)

Samples of this product were found to contain insects, worms, and worm excreta.

Between January 10 and April 9, 1940, the United States attorneys for the District of New Jersey, the District of Ohio, the Eastern District of New York, the Southern District of Texas, and the District of New Mexico filed libels against 500 cartons of canned apricots at Port Newark, N. J.; 263 cases at Paterson, N. J.; 418 cases at Cincinnati, Ohio; 12 cases at Brooklyn, N. Y.; 15 cases at Corpus Christi, Tex.; and 74 cases at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce, within the period from on or about July 6, 1939, to on or about January 23, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Val Vita Brand Whole Apricots."

On April 6, 1940, Val Vita Food Products, Inc., having admitted the allegations of the two libels filed in the District of New Jersey and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the portion which was fit for human consumption be separated from the unfit portion and that the latter be destroyed. On April 4, April 16, and May 1, 1940, no claimant having appeared in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

603. Adulteration of canned strawberries. U. S. v. 87 Cans of Processed Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 1829. Sample No. 7427-E.)

Examination of this product showed the presence of moldy strawberries.

On April 17, 1940, the United States attorney for the Southern District of California filed a libel against 87 cans of processed strawberries at Long Beach, Calif., alleging that the article had been shipped in interstate com-

merce on or about December 21, 1939, by Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

604. Adulteration and misbranding of canned peas. U. S. v. 304 Cases of Canned Peas (and 3 other seizure actions involving canned peas). Default decrees of condemnation and destruction. (F. D. C. Nos. 1465, 1466, 1542, 1543. Sample Nos. 73699-D, 73978-D, 73979-D, 86853-D.)

This product was found to be in whole or in part decomposed; it consisted of sweet, or sugar, peas and not Early June peas as labeled; and one lot was falsely labeled as to the name of the packer.

On February 9 and March 1, 1940, the United States attorney for the District of Massachusetts filed libels against 438 cases of canned peas at Boston, Mass., and 725 cases of canned peas at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about December 11, 1939, to on or about January 2, 1940, by the Mount Airy Canning Co. from Baltimore, Md.; and charging that it was adulterated and misbranded. The article was labeled in part variously: "Chapel Brand Food Products Early June Peas * * * Distributed by Talbot Packing Corp., Easton, Md."; or "Tisso Good Brand Early June Peas * * * Packed by Talbot Packing and Preserving Co., Easton, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the statement "Early June Peas," borne on the labels, was false and misleading, since it was sweet peas. The Tisso Good brand was alleged to be misbranded further in that the statement, "Packed By Talbot Packing and Preserving Co., Easton, Md., U. S. A., Factories: Cordova and Willoughby, Md.," borne on the label, was false and misleading, since the article was packed by the Mount Airy Canning Co.

On March 25 and April 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

605. Misbranding of canned peas. U. S. v. 19 Cases and 23 Cases of Canned Peas. Default decree of condemnation and destruction. Product ordered delivered to a charitable institution. (F. D. C. No. 1842. Sample Nos. 10488-E, 10489-E.)

Examination showed this article to be soaked dry peas.

On April 18, 1940, the United States attorney for the Southern District of New York filed a libel against 19 cases and 23 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 20, 1939, and February 21, 1940, respectively, by W. H. Roberts & Co. from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Faust Brand Peas Packed for Sentney Wholesale Grocery Co., Hutchinson, Kans."; and "'Of Course' P M Brand Alaska Peas * * * Packed for Pratt-Mallory Co., Sioux City, Iowa."

The article was alleged to be misbranded in that the labeling on the cans, as set out above, was false and misleading, when applied to articles that were soaked dry peas.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

606. Adulteration and misbranding of canned peas. U. S. v. 244 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. No. 1505. Sample No. 86269-D.)

This product was canned soaked dry peas and not Early June peas as labeled.

On February 20, 1940, the United States attorney for the District of New Jersey filed a libel against 244 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by Frederick City Packing Co. from Frederick, Md.; and charging that it was adulterated and misbranded. The article was labeled in part: "Richland Brand Early June Peas."

The article 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 on the label, "Early June Peas," and the design of peas in pods were false and misleading since it was soaked dry peas.