

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 6, 1942, Melrose Canning Co., 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.

3332. Misbranding of canned peas. U. S. v. 169 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6238. Sample No. 66319-E.)

On November 18, 1941, the United States attorney for the Northern District of Illinois filed a libel against 169 cases, each containing 48 cans, of peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on July 24, 1941, by John S. Mitchell Co. [John S. Mitchell, Inc.] from Windfall, Ind.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 8 Oz. Avd. Little Sport Brand Early June Peas."

The article was alleged to be misbranded in that it had purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 6, 1942, John S. Mitchell, Inc., 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.

3333. Misbranding of canned peas. U. S. v. 349 and 359 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6350, 6511. Sample Nos. 79046-E, 79047-E.)

On December 6 and 15, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 708 cases of canned peas at Covington, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about June 28 to on or about July 14, 1941, by the Morgan Packing Co. from Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. Garden Run Early June Peas"; or "Idyl Brand * * * Early June Peas."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 9, 1942, the Morgan Packing Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

3334. Misbranding of canned peas. U. S. v. 46 Cases and 1,304 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 6733, 7445. Sample Nos. 59877-E, 59884-E, 87327-E.)

On January 19 and May 1, 1942, the United States attorneys for the Eastern District of Virginia and the District of Maryland filed libels against 46 cases each containing 24 No. 2 cans of peas at Norfolk, Va., and 781 cases each containing 24 No. 2 cans of peas at Baltimore, Md. (libel amended on May 13, 1942, to include 523 additional cases), alleging that the article had been shipped in interstate commerce on or about November 11, 1941, and January 26 and February 2, 9, and 10, 1942, by Chas. G. Summers, Jr., Inc., from Baltimore, Md., and New Freedom, Pa.; and charging that it was misbranded. It was labeled in part: (Cans) "Legion Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 20, 1942, no claimant having appeared for the peas seized at Norfolk, judgment of condemnation was entered and the product was ordered destroyed. On May 25, 1942, Chas. G. Summers, Jr., Inc., claimant for the peas seized at Baltimore, 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.

3335. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6870. Sample No. 84537-E.)

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature. Furthermore, it fell below the standard of fill of container for canned peas.

On February 16, 1942, the United States attorney for the Eastern District of New York filed a libel against 539 cases, each containing 36 1-pound cans, of peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1941, by Big Horn Canning Co. from Cowley, Wyo.; and charging that it was misbranded. It was labeled in part: (Cans) "Moosalina Brand * * * Fancy Sweet Peas Packed For Moosalina Products Corp., Brooklyn, N. Y."

The article was alleged to be misbranded (1) in that the designation "Fancy" was false and misleading as applied to an article not of Fancy quality, since it consisted of too mature peas; and (2) in that it purported to be and was represented as a food for which a standard of fill of container had been promulgated by regulation as provided by law, but it fell below such standard and its label failed to bear in such manner and form as the regulation specifies, a statement that it fell below such standard.

On March 23, 1942, Moosalina Products Corporation, 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.

3336. Misbranding of canned peas. U. S. v. 176 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 5435. Sample No. 53265-E.)

This product was not of Fancy quality, as labeled, because of the presence of some hard peas and because many of the peas were too old to be of Fancy quality.

On September 2, 1941, the United States attorney for the District of Arizona filed a libel against 176 cases, each containing 36 cans, of peas at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about July 15, 1941, by Rogers Canning Co. from Freewater, Oreg.; and charging that it was misbranded in that the term "Fancy" was false and misleading because the food was not of Fancy quality. The article was labeled in part: (Cans) "Iris Brand Fancy Telephone Sweet Peas Net Weight 1 Lb.," or "Iris Brand Fancy Mixed Sizes Sweet Peas."

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3337. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6914. Sample No. 84548-E.)

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature.

On February 26, 1942, the United States attorney for the Southern District of New York filed a libel against 1,500 cases, each containing 24 No. 2 cans, of peas at New York, N. Y., alleging that the article had been shipped on or about February 4, 1942, by Cambria Canning Corporation from Fall River, Wis.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the peas were too mature. The article was labeled in part: (Cans) "Pope Brand * * * Fancy Sweet Peas M. De Rosa, Inc., Distributors, New York, N. Y."

On March 20, 1942, M. De Rosa, Inc., 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.

3338. Misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Product adjudged misbranded and ordered released under bond for relabeling. (F. D. C. No. 6803. Sample No. 80153-E.)

Examination showed that this product was not of Fancy quality because the peas were too mature.