

since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the article in the container was more than 23.5 percent, and in one of the lots the skins of more than 25 percent by count of the peas in the container were ruptured to a width of $1/16$ inch or more; and its labels failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 24 and October 25, 1943, Thomas & Co., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5525. Misbranding of canned peas. U. S. v. 99 Cases and 43 Cases of Canned Peas. Decrees of condemnation. A portion of product ordered delivered to a charitable institution. Remainder ordered released under bond. (F. D. C. Nos. 10368, 10833. Sample Nos. 46345-F, 46365-F.)

On August 14, and October 7, 1943, the United States attorney for the Eastern District of North Carolina filed libels against a total of 142 cases, each containing 24 cans, of peas at Rocky Mount, N. C., alleging that the article had been shipped in interstate commerce on or about July 8 and July 12, 1943, by the Southgate Brokerage Co., Inc., from Norfolk, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Jo-Anne Brand * * * Pod Run Early June Jeas Packed By Earl Daniel Deltaville, Virginia," or "Lynnhaven Brand Sifted Early June Peas * * * Southgate Foods Distributors Norfolk, Va."

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 since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the article in the container were more than 23.5 percent, and since the skins of more than 25 percent of the peas in the container were ruptured to a width of $1/16$ inch or more; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 17, 1943, Earl Daniel, claimant for the "Jo-Anne Brand," having admitted the allegations of the libel covering said brand, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently relabeled. On December 4, 1943, no claim having been entered for the "Lynnhaven Brand," judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5526. Misbranding of canned peas. U. S. v. 201 Cases of Canned Peas (and 2 additional seizure actions against canned peas). Decrees of condemnation. One lot ordered released under bond for relabeling; remaining lots ordered destroyed. (F. D. C. Nos. 10350, 10391, 10392. Sample Nos. 20238-F, 20239-F, 23717-F.)

On August 2 and 12, 1943, the United States attorneys for the District of Pennsylvania and the District of Massachusetts filed libels against 201 cases of canned peas at Philadelphia, Pa., and 179 cases of canned peas at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about June 8 and June 21, 1943, by the Eastern Shore Canning Co. from Machipongo, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Virginia's Best Early June Peas," "Eastern Shore Brand Sifted Early June Peas," or "Escco Brand Sweet Peas."

The article was alleged to be misbranded in that it purported to be and was represented as canned peas, a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since 1 lot was a smooth-skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, and they contained an excessive proportion of peas that were ruptured to a width of $1/16$ inch or more; and the remaining 2 lots were sweet, wrinkled varieties of peas, and the alcohol-insoluble solids of the peas in the containers were more than 21 percent, and they failed to meet the test for tenderness prescribed by the regulations; and their labels failed to bear, in such manner and form as the regulations specify, a statement that they fell below such standard.

On August 27, 1943, the Great Atlantic and Pacific Tea Co., of Philadelphia, Pa., having appeared as claimant for the lot located at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On September 20, 1943, no claimant having appeared for the lots located at Fall

River, Mass., judgments of condemnation were entered and the product was ordered destroyed.

5527. Misbranding of canned peas. U. S. v. 87 Cases and 250 Cases of Canned Peas. Consent decree of condemnation. Product ordered released for relabeling upon deposit of cash collateral or execution of bond. (F. D. C. Nos. 9850, 9877. Sample Nos. 33534-F, 33535-F.)

On or about April 22 and 29, 1943, the United States attorney for the Southern District of New York filed libels against 337 cases, each containing 24 cans, of peas at New York, N. Y., alleging that the article had been shipped on or about February 15, 1943, from Oostburg, Wis., by the Oostburg Canning Co.; and charging that it was misbranded. The article was labeled in part: (Cans) "Oostburg * * * Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard since it was a smooth-skin variety of peas and the alcohol-insoluble solids in the container were more than 23.5 percent; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On July 28, 1943, an order was entered for the consolidation of the libel proceedings above described. On August 19, 1943, the Oostburg Canning Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released upon the deposit of cash collateral or the execution of a bond, conditioned that the product be relabeled under the supervision of the Food and Drug Administration.

5528. Misbranding of canned peas. U. S. v. 1,597 Cases of Canned Peas. Consent decree of condemnation. Product ordered released for relabeling, conditioned upon deposit of collateral. (F. D. C. No. 10431. Sample No. 34217-F.)

On August 19, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 1,597 cases, each containing 24 cans, of peas at Pittsburgh, Pa., alleging that the article had been shipped on or about June 14, 1943, by A. W. Sisk & Son, from Machipongo, Va.; and charging that it was misbranded. It was labeled in part: (Cans) "Esco Brand Sweet Peas * * * Packed By Eastern Shore Canning Company Machipongo, Virginia."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since it was a sweet, wrinkled variety of peas and the alcohol-insoluble solids in the container were more than 21 percent, and since the article failed to meet the test for tenderness set forth in the regulations, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 7, 1943, Eastern Shore Canning Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released for relabeling under the supervision of the Food and Drug Administration, upon the deposit of collateral in the form of a certified check.

5529. Misbranding of canned peas. U. S. v. 496 Cases of Canned Peas. Product ordered released under bond for relabeling. (F. D. C. No. 10428. Sample No. 52892-F.)

On August 20, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 496 cases, each containing 6 No. 10 cans, of peas at Norfolk, Va., alleging that the article had been shipped on or about July 26, 1943, by H. M. Wagner & Co., Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Wagner's Mt. Washington Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since the article was a smooth-skin variety of peas and its alcohol-insoluble solids in the container were more than 23.5 percent; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 30, 1943, Lord-Mott Co., Inc., Baltimore, Md., having appeared as claimant, an order was entered for the release of the product under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.