

was false and misleading as applied to canned peas which were substandard in quality, and further in that the design on the label consisting of a dish of succulent peas and pods and leaves of peas, all in the succulent stage, was false and misleading as applied to peas not in the succulent stage of maturity.

**DISPOSITION:** December 20, 1943. The Huger Davidson Sale Co., Inc., Lexington, Va., having appeared as claimant for the Lexington and Staunton lots, judgments of condemnation were entered and they were ordered released under bond for relabeling. On January 3 and February 16, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered delivered to local hospitals.

**5931. Misbranding of canned peas. U. S. v. 1,054 Cases, 960 Cases, and 80 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered sold; remainder ordered released under bond to be relabeled. (F. D. C. Nos. 10856, 12198. Sample Nos. 13986-F, 13987-F, 69102-F.)**

**LIBEL FILED:** On or about September 29, 1943, Southern District of California; and April 17, 1944, District of Colorado.

**ALLEGED SHIPMENT:** From on or about August 1 to November 2, 1943, by the Box Elder Packing Corporation, Brigham City, Utah.

**PRODUCT:** 2,014 cases of peas at Los Angeles, Calif., and 80 cases at Denver, Colo.

**LABEL, IN PART:** (2,014 cases) "Gardenside Sweet Peas \* \* \* Distributed By Table Products Company, Oakland, California." The remainder was unlabeled.

**VIOLATIONS CHARGED:** Misbranded (all lots), Section 403 (h), (1), this product was below standard. The lot at Denver was further misbranded, Section 402 (e) (1), in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and Section 402 (e) (2), an accurate statement of the quantity of the contents.

**DISPOSITION:** November 1, 1944. Safeway Stores, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel filed with respect to the 2,014 cases at Los Angeles, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled. On May 26, 1944, no claimant having appeared for the lot at Denver, judgment of condemnation was entered and the product was ordered sold.

**5932. Adulteration of chick peas. U. S. v. 60 Bags of Chick Peas. Default decree of condemnation and destruction. (F. D. C. No. 10224. Sample No. 42170-F.)**

**LIBEL FILED:** July 12, 1943, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 16, 1942, from Chula Vista, Calif.

**PRODUCT:** 60 100-pound bags of chick peas at Cleveland, Ohio, in possession of the National Terminals Corporation.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, rodent excreta and urine; and, Section 402 (a) (4), it had been held, after shipment, under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** December 8, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5933. Adulteration of split peas. U. S. v. 48 Bags, 35 Bags, 25 Bags, and 10 Bags of Split Peas. Decree of condemnation. Portion of product (48 bags) ordered released under bond, or upon deposit of cash collateral, to be fumigated and reconditioned. Remainder of product ordered delivered to a Federal penitentiary for national defense and salvage purposes. (F. D. C. No. 10666. Sample Nos. 56041-F, 56042-F, 56044-F, 56048-F.)**

**LIBEL FILED:** On or about September 10, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** From on or about December 23, 1942, to February 2, 1943, by the Mark Means Co., Lewiston, Idaho.

**PRODUCT:** 118 bags of split peas at New York, N. Y.

**LABEL, IN PART:** "Lewis Clark Brand Idaho Green Split Peas," and "Lewis Clark Brand Idaho Yellow Split Peas."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Larvae, pupae, webbing, moths, and cast skins.

**DISPOSITION:** December 29, 1943. Jack Levy, doing business as the Gordon Products Co., New York, N. Y., having appeared as claimant for the lot of 48

bags, and having admitted the allegations of the libel relating to that lot, and no claimant having appeared for the other lots, judgment of condemnation was entered with respect to all lots. The lot of 48 bags was ordered released under bond, or upon deposit of cash collateral, to be fumigated and reconditioned under the supervision of the Food and Drug Administration. The remaining lots were ordered delivered to a Federal penitentiary for national defense and salvage purposes, conditioned that the product be denatured.

**5934. Adulteration of pickles. U. S. v. 14 Cases of Pickles. Default decree of condemnation and destruction. (F. D. C. No. 11156. Sample Nos. 50440-F, 50454-F.)**

**LIBEL FILED:** November 22, 1943, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 15, 1943, by Bloch & Guggenheimer, Inc., New York, N. Y.

**PRODUCT:** 14 cases, each containing 12 jars, of pickles at Philadelphia, Pa.

**LABEL, IN PART:** "B an' G Fancy Dwarf Brand Fresh Cucumber Pickles."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** December 17, 1943. No claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

**5935. Misbranding of potatoes. U. S. v. Roy Linzoy. Plea of guilty. Fine, \$250, of which \$200 was suspended. (F. D. C. No. 10632. Sample No. 9083-F.)**

**INFORMATION FILED:** January 17, 1944, Western District of Louisiana, against Roy Linzoy, Simmesport, La.

**ALLEGED SHIPMENT:** On or about May 18, 1943, the defendant delivered at Simmesport, La., for shipment into the State of Texas, a number of sacks of potatoes.

**LABEL, IN PART:** "Lone Star Bliss Triumphs 100 Lbs. Net," or "100 Lbs. [or "100 Lbs. Net"] Louisiana Pride Triumphs Potatoes."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "100 Lbs," borne on a number of sacks, and the statement "100 Lbs. Net," borne on the remainder of the sacks, were false and misleading in that the sacks did not each contain 100 pounds of potatoes, but contained a smaller amount; Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents; and, Section 403 (e) (1), the label failed to bear the name and place of business of the packer or distributor.

**DISPOSITION:** January 24, 1944. The defendant having entered a plea of guilty, the court imposed a fine of \$250, of which \$200 was suspended.

**5936. Misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree ordering that the product be released under bond to be resacked. (F. D. C. No. 11312. Sample No. 43190-F.)**

**LIBEL FILED:** December 15, 1943, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 30, 1943, by Troy V. Cook, from Dairy, Oreg.

**PRODUCT:** 200 bags of potatoes at Sacramento, Calif.

**LABEL, IN PART:** "U. S. No. 2 Quality Klamath Potatoes Packed by Troy V. Cook Klamath Falls, Oreg. 100 Lbs. Net."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement on the label, "100 Lbs. Net," was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), the article was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** January 27, 1944. The Stop-N-Shop Markets, Sacramento, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be resacked under the supervision of the Food and Drug Administration.

**5937. Misbranding of potatoes. U. S. v. 198 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 11106. Sample No. 63015-F.)**

**LIBEL FILED:** November 12, 1943, Western District of Missouri.