

PRODUCT: 902 cases at Detroit, Mich., each containing 24 unlabeled cans of peas. There was no written agreement between the shipper and consignee as to the labeling. The product was invoiced as standard grade peas.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1) (2), the product was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the food specified in the definition and standard; and, Section 403 (h) (1), it was a smooth skin variety of peas and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend, as required by the regulations.

DISPOSITION: January 27, 1944. Philip N. Shammas, doing business as the S. & G. Wholesale Grocery Co., Detroit, Mich., and the River View Canning Corp., claimants, 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.

6344. Misbranding of canned peas. U. S. v. 25 Cases and 15 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10919. Sample Nos. 46369-F, 46370-F.)

LIBEL FILED: October 21, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 26, 1943, by the Eastern Shore Canning Co., Machipongo, Va.

PRODUCT: 40 cases, each containing 24 cans, of peas at Goldsboro, N. C.

LABEL, IN PART: (Can) "Escco Brand Sweet Peas * * * Grade C," and "Eastern Shore Brand Sifted Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was a sweet, wrinkled variety of peas, and its quality fell below the standard prescribed in the regulations for such peas because the lot of 25 cases had alcohol-insoluble solids in excess of 21.0 percent and, in both lots, less than 90 percent by count of the peas in the container of the article were crushed by, a weight of not more than 907.2 grams (2 pounds), and the label did not bear the substandard legend.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for consumption by the inmates.

6345. Misbranding of canned peas. U. S. v. 61 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a State institution. (F. D. C. No. 10389. Sample No. 46347-F.)

LIBEL FILED: August 24, 1943, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 30, 1943, by D. E. Foote & Co., Inc., Baltimore, Md.

PRODUCT: 61 cases, each containing 24 cans, of peas at Goldsboro, N. C.

Examination showed that the product was slack-filled because of excessive headspace, and that it was also substandard in quality.

LABEL, IN PART: (Can) "Foote's Best Pod Run Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the article was a smooth skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and since the skins of more than 25 percent by count of the peas in the container were ruptured to a width of $\frac{1}{16}$ inch or more; and, Section 403 (h) (2), the article fell below the standard of fill of container prescribed by regulations for canned peas; and the label did not bear the required substandard legend.

DISPOSITION: February 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of a State institution.