

within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about June 14, 1943, the defendant sold and delivered to Albert W. Sisk & Son a number of cases of peas which were misbranded and which were shipped on June 14, 1943, by Albert W. Sisk & Son, from the State of Virginia into the State of Pennsylvania.

LABEL, IN PART: "Escco Brand Sweet Peas," "Eastern Shore Brand Sifted Early June Peas," or "Virginia's Best Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations for canned peas, in one or more of the following respects: An excessive proportion of the peas failed to meet the test for tenderness; the peas were excessively mealy, as shown by the high alcohol insoluble-solids content; and an excessive number of the peas were ruptured. The product failed to bear the substandard legend.

Further misbranding, Section 403 (h) (2), (1 lot) the product fell below the standard of fill of container for canned peas, and its label did not bear a statement that it fell below such standard.

DISPOSITION: March 16, 1949. A plea of nolo contendere having been entered, the defendant was fined \$350.

14637. Misbranding of canned peas. U. S. v. 540 Cases * * *. (F. D. C. No. 24425. Sample No. 26666-K.)

LIBEL FILED: January 30, 1948, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 15, 1946, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.

PRODUCT: 540 cases, each containing 24 1-pound, 4-ounce cans, of peas at Springfield, Ill.

LABEL, IN PART: "Myrna Brand Sifted Early June peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

DISPOSITION: March 8, 1948. The Elkhart Lake Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

14638. Misbranding of canned peas. U. S. v. 399 Cases * * *. (F. D. C. No. 25035. Sample No. 27936-K.)

LIBEL FILED: July 15, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1946, by the Oostburg Canning Co., from Oostburg, Wis.

PRODUCT: 399 cases, each containing 24 1-pound, 4-ounce cans, at St. Louis, Mo.

LABEL, IN PART: "From the Heart of Dairyland Wisconsin Medium Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

DISPOSITION: September 7, 1948. The Oostburg Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered