NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas because of excessively ruptured peas and the alcohol-insoluble solids was more than 23.5 percent, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: October 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

19938. Adulteration of potatoes. U. S. v. 100 Bags * * *. (F. D. C. No. 33685. Sample No. 55234–L.)

LIBEL FILED: September 10, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 19, 1952, by Reed & Perrine, Inc., from Tennent, N. J.

PRODUCT: 100 100-pound bags of potatoes at Warren, Pa.

LABEL, IN PART: "New Jersey Potatoes Mount & Pullen Hightstown, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its abnormal flavor, rendering it unpalatable.

DISPOSITION: November 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as hog feed.

TOMATOES AND TOMATO PRODUCTS

19939. Adulteration of canned tomatoes. U. S. v. 346 Cases * * *. (F. D. C. No. 34013. Sample No. 61113–L.)

LIBEL FILED: On or about October 14, 1952, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about September 24, 1952, by the Rush Canning Co., from Exeter, Mo.

PRODUCT: 346 cases, each containing 24 1-pound cans, of tomatoes at Tulsa, Okla.

LABEL, IN PART: "Jimjo Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 3, 1952. Default decree of condemnation and destruction.

19940. Misbranding of canned tomatoes. U. S. v. 1,521 Cases * * *. (F. D. C. No. 33938. Sample No. 4732–L.)

LIBEL FILED: On or about October 16, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about September 22, 1952, by the Torsch Canning Co., from Milford, Del.

PRODUCT: 1,521 cases, each containing 24 1-pound cans, of tomatoes at Landover, Md.

LABEL, IN PART: "Gardenside Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Tomatoes" was false and misleading as applied to cans containing string beans and lima beans; and, Section 403 (b), string beans and lima beans were offered for sale under the name of another food, tomatoes. Examination disclosed that some of the cans contained tomatoes, some cans string beans, and some cans lima beans.