

**6399. Adulteration of tomato pulp and adulteration and misbranding of peas. U. S. \* \* \* v. William E. Cooke and Conrad H. Shanawolf (Cooke, Shanawolf Co.). Plea of guilty. Fine, \$160 and costs. (F. & D. No. 8504. I. S. Nos. 2048-m, 2051-m, 3056-m.)**

On August 13, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Cooke and Conrad H. Schanawolf, trading as Cooke, Shanawolf Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 8, 1917 (two shipments), from the State of Maryland into the State of New Jersey, of a quantity of an article labeled in part, "Highland Square Brand Tomato Pulp \* \* \* Packed by Cooke, Shanawolf Co., Baltimore, Md.," which was adulterated, and on or about May 10, 1917, from the State of Maryland into the State of New York, of a quantity of an article labeled in part, "Estele Brand Peas \* \* \* Cooke, Shanawolf Co., Baltimore, Md. Contents 1 pound, 4 ounces," which was adulterated and misbranded.

Examinations of samples of the tomato pulp by the Bureau of Chemistry of this department showed that the pulp was made from moldy tomatoes.

Examination of samples of the peas by the Bureau of Chemistry of this department showed the following results:

Total weight (ounces)-----	23.5	24.2	24.8	24.3
Weight minus liquor (ounces)-----	14.8	14.6	15.4	14.9
Weight of can (ounces)-----	3.7	3.7	3.8	3.5
Weight of drained peas (ounces)-----	11.1	10.9	11.6	11.4
Weight of liquor (ounces)-----	8.7	9.6	9.4	9.4
Part of can not containing peas (per cent)---	31.2	30.5	26.6	29.4

An excessive quantity of water was packed with these peas.

Adulteration of the tomato pulp in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Adulteration of the peas was alleged for the reason that a substance, to wit, an excessive amount of water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect their quality and strength, and had been substituted in whole or in part for peas, which the article purported to be.

Misbranding of the peas was alleged for the reason that the statement, to wit, "Peas," borne on the labels attached to the cans, regarding the article and ingredients and substances contained therein, was false and misleading in that it represented that the article consisted of peas and a normal amount of water; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of peas and a normal amount of water, whereas, in truth and in fact, it did not, but consisted in part of an excessive amount of added water.

On August 13, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$160 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*