

On October 25, 1940, the United States attorney for the District of Maryland filed an information against the Mount Airy Canning Co., a corporation, Baltimore, Md., Burton Proctor, Jr., and Luke Amato, alleging shipment within the period from on or about December 11, 1939, to January 2, 1940, from the State of Maryland into the State of Massachusetts, of quantities of canned peas that were adulterated and misbranded. A portion of the article was labeled in part: "Chapel Brand \* \* \* Early June Peas \* \* \* Distributed by Talbot Packing Corp. Easton, Md." The remainder was labeled in part: "Tisso Good Brand Early June Peas \* \* \* Packed by Talbot Packing and Preserving Co. Easton, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that the statement "Early June Peas" with respect to all lots, and the statement "Distributed by Talbot Packing Corp. Easton, Md. U. S. A." or "Packed by Talbot Packing and Preserving Co. Easton, Md. U. S. A.," borne on the label, were false and misleading in that they represented that the article consisted of early June peas which had been distributed or packed by the said firms; whereas it did not consist of early June peas, but did consist in whole or in part of sweet peas, and had not been distributed or packed by the said firms, but had been distributed or packed by the Mount Airy Canning Co.

On December 2, 1940, pleas of guilty having been entered, the court imposed a fine of \$150 against each defendant. Costs also were imposed.

**1299. Adulteration and misbranding of canned peas. U. S. v. Frederick City Packing Co. and Samuel H. Rosenstock. Pleas of guilty. Fines, \$100 and costs. (F. D. C. No. 2114. Sample Nos. 86269-D, 86270-D, 88105-D.)**

This product was canned mature dried peas and not immature, succulent peas as indicated by the labeling.

On September 26, 1940, the United States attorney for the District of Maryland filed an information against the Frederick City Packing Co., a corporation, Frederick, Md., and Samuel H. Rosenstock, alleging shipment within the period from on or about January 8 to January 29, 1940, from the State of Maryland into the State of New Jersey and from the State of New Jersey into the State of Maryland, of quantities of canned peas which were adulterated and misbranded. The article was labeled in part: "Richland Brand Early June Peas."

The article was alleged to be adulterated in that mature, dried peas had been substituted in whole and in part for Early June peas, i. e., immature, succulent peas, which it purported to be.

It was alleged to be misbranded in that the statement, "Early June Peas" together with the design of peas in pods, borne on the label, was false and misleading since the said statement and design represented that the article consisted of immature, succulent peas whereas it did not so consist, but did consist in whole or in part of mature dried peas.

On November 13, 1940, pleas of guilty were entered and the court imposed a fine of \$50 against each defendant. Costs were also imposed.

**1300. Adulteration and misbranding of canned peas. U. S. v. Herman F. Bruder. Pleas of guilty. Fine, \$10. (F. D. C. No. 2104. Sample Nos. 67637-D, 69275-D, 69276-D, 69278-D, 69279-D.)**

Mature peas had been substituted for immature peas.

On September 26, 1940, the United States attorney for the District of Rhode Island filed an information against Herman F. Bruder, Providence, R. I., alleging shipment within the period from on or about July 24 to on or about August 1, 1939, from the State of Rhode Island into the States of Connecticut and Massachusetts of quantities of canned peas that were adulterated and misbranded. The article was labeled in part: "Admiration Selected Early June Peas \* \* \* Edwin Smithson Company, Incorporated, Distributor, New York."

It was alleged to be adulterated in that matured dried peas had been substituted in whole and in part for Early June peas, to wit, succulent peas, which it purported to be.

The article was alleged to be misbranded in that the statements "Early June Peas" and "Edwin Smithson Company, Incorporated, Distributor, New York," together with a design of peas in pods borne on the can label, were false and misleading in that they represented that the article consisted of immature, succulent peas and that Edwin Smithson Co., Inc., of New York, N. Y., was the

distributor; whereas they did not consist of immature succulent peas but did consist in whole or in part of mature dried peas, and Edwin Smithson Co., Inc., New York, N. Y., was not the distributor of the article.

On November 29, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

**1301. Adulteration of canned peas. U. S. v. 234 and 72 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2190. Sample No. 33096-E.)**

This product was decomposed.

On June 12, 1940, the United States attorney for the Southern District of New York filed a libel against 306 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Fuhremann Canning Co. from Berlin, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cambrian Brand Wisconsin Sweet Variety Peas \* \* \* W. Sivek & Son Distributors New York, N. Y."

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1302. Adulteration of canned peas. U. S. v. 13 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2017. Sample No. 13183-E.)**

This product contained weevils.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of canned peas at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand Sweet Peas Packed For Fine Foods, Inc., Seattle-Minneapolis."

The libel also charged adulteration of a lot of tomato catsup, as reported in notice of judgment No. 1307 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1303. Misbranding of candied yams. U. S. v. 198 Cases of Candied Yams. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1961. Sample No. 11009-E.)**

This product was represented to be candied yams; whereas it contained little or no sirup and was in no sense candied.

On or about May 16, 1940, the United States attorney for the Southern District of Texas filed a libel against 198 cases of candied yams at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Pine Grove Canning Co. from St. Martinville, La.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Grove Brand Candied Golden Yams Candied with Pure Cane Sugar Syrup."

It was alleged to be misbranded in that the statements "Candied Golden Yams \* \* \* Candied with Pure Cane Sugar Syrup" were false and misleading as applied to an article containing little or no sirup; and in that it was offered for sale under the name of another food.

On August 3, 1940, the Pine Grove Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling.

#### TOMATOES AND TOMATO PRODUCTS

**1304. Misbranding of canned tomatoes. U. S. v. 52 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2521. Sample No. 9795-E.)**

This product was substandard in quality because of poor color, and it was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 52 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Dorgan Packing Corporation from Crystal Springs,