

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2050.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED PEAS.

On April 25, 1912, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of canned peas remaining unsold in the original unbroken packages and in possession of parties to the United States Attorney unknown, alleging that the product had been shipped by Thorndike & Hix, Rockland, Me., from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Kineo Brand—Green Peas—Packed for Charles Lawrence Co., Boston, Mass." "Soaked."

Misbranding of the product was alleged for the reason that certain retail packages of the product bore statements, designs, and devices regarding the ingredients and substances contained therein, that is to say, the words "Green peas," printed in a conspicuous manner on the front of each of the packages, and the word "Soaked" printed in an inconspicuous manner upon each of the packages, which said statements, designs, and devices were false and misleading in that they would lead the purchaser to believe that the food was a product known to the trade as canned fresh green peas, whereas, in truth and in fact, it was not a product known to the trade as canned fresh green peas.

On June 26, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be delivered to said claimant upon payment of the costs, amounting to \$35.71, and the execution of bond in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 30, 1912.*