

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