

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2074.

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

ADULTERATION AND MISBRANDING OF PEAS.

On May 27, 1912, the United States Attorney for the Northern District of Illinois, 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 25 cases, each containing 24 cans of peas, remaining unsold in the original unbroken packages and in possession of L. M. Callegari, 1103 West Taylor Street, Chicago, Ill., alleging that the product had been shipped on or about December 9, 1911, by the Kokomo Canning Co., a corporation, Kokomo, Ind., and transported from the State of Indiana into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Lake Erie Early June peas—Lake Erie Brand—Split—Packed by the Kokomo Canning Company, Kokomo, Indiana."

Adulteration of the product was alleged in the libel for the reason that mature field peas which had been soaked extensively before canning had been substituted wholly or in part for early June peas. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as set forth above, which said labels were false and misleading, in that they purported to state that the product was composed of genuine Lake Erie Early June Peas, whereas, in truth and in fact, it was not composed of Lake Erie Early June Peas, but consisted of an imitation thereof, to wit, mature field peas which had been soaked extensively before canning.

On September 11, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the United States marshal should destroy the product by fire.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*