"Whatever doubt there might have been that any entity but a natural person or a corporation should be subject to criminal sanction was laid to rest by the Supreme Court of the United States in *United States* v. *Adams Express Co.* (1913) 229 U.S. 381, wherein a joint stock association was held so liable. That a partnership can also be so liable is established definitively in the recent case of *United States* v. *A & P Trucking Co.* (1958) 358 U.S. 121.

"Thus, the only question remaining is whether Congress, when enacting the punitive provision of Title 21 quoted above, intended to impose criminal liability on a partnership. While there appear to be no cases passing on this precise point, it would seem clear that Congress did intend to impose criminal liability.

"As noted above, the wording of the statute is very clear. Any lingering doubt can be laid to rest by a perusal of *United States* v. *A & P Trucking Co.*, supra. That case considered the criminal liability of a partnership under § 222(a) of the Motor Carrier Act of 1935 (49 U.S.C. § 322(a)) and 18 U.S.C. § 835. A unanimous court experienced no difficulty whatsoever in finding that the section of the Motor Carrier Act, which provided criminal sanction, applies to partnerships. In fact, in footnote 3 of the opinion, at page 124, although Title 21 was not specifically mentioned, it was indicated that partnerships should always be included under a definition of 'persons' in regulatory Acts. The only difficulty which the dissenting judges found was in including the term 'partnership' within the purview of the term 'whoever' as used in Section 835 of Title 18.

"Under these circumstances there is no doubt that the information charges an offense in each of the three counts.

"The motion is, therefore, denied.

"It is so ordered."

On 3–14–60, upon pleas of guilty entered by the partnership and the individual, the court fined the partnership $200 and the individual $200. The court also imposed a sentence upon the individual of 30 days in jail, which sentence was suspended, and placed the individual on probation for 1 day.

26402. Bread. (F.D.C. No. 43692. S. Nos. 83–147/8 P.)

INFORMATION FILED: 1–4–60, W. Dist. Mo., against Manuel M. Becker, partner and manager in the partnership of New York Bakery, Kansas City, Mo.

SHIPPED: 9–1–59, from Missouri to Kansas.

LABEL IN PART: "NEW YORK Kansas City's Finest Bakery PUMPERNICKLE [or "RYE"] Net Weight 1 lb. 4 oz."

CHARGE: 402(a)(3)—contained insect parts, insect fragments, and rodent hairs; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2–5–60. $500 fine, plus costs, and probation for 1 year.

26403. Bread. (F.D.C. No. 43664. S. Nos. 47–442 P, 63–664/5 P.)

INFORMATION FILED: 12–4–59, Dist. Mass., against George H. Cherabie, t/a George's Bakery, Lawrence, Mass.

SHIPPED: Between 10–23–58 and 5–26–59, from Massachusetts to New Hampshire and Vermont.

LABEL IN PART: (On pkg. of bread) "GEORGE'S All Purpose Lebanese and Syrian Bread."

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2–15–60. $200 fine, and probation for 1 year.