

# United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

## NOTICE OF JUDGMENT NOS. 43-47, FOOD AND DRUGS ACT.

- 43. Misbranding of canned peas (As to weight).
- 44. Misbranding of meal (As to milling process).
- 45. Adulteration and misbranding of whiskey (As to color, age, and source).
- 46. Adulteration of eggs (Filthy, decomposed animal substance).
- 47. Misbranding of maple sirup (As to presence of maple sirup).

(N. J. 43.)

### MISBRANDING OF CANNED PEAS.

(AS TO WEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 9th day of November, 1908, in the district court of the United States for the district of Indiana, in a proceeding of libel for condemnation of 282 cases of canned peas, more or less, misbranded as to weight, wherein the United States was libelant and P. Hohenadel, jr., Canning Company, a corporation, Rochelle, Ill., was claimant, the said claimant having filed its answer admitting the allegations of the libel, and the case having come on for hearing, a decree of forfeiture and condemnation was rendered by the court in substance and in form as follows :

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF  
INDIANA.

UNITED STATES	}	6875.
<i>vs.</i>		
TWO HUNDRED EIGHTY-TWO CASES OF CANNED PEAS, MORE		
or less, and the P. Hohenadel, jr., Canning Company.		

Now, at this day comes the United States, by Joseph B. Kealing, United States attorney for the district of Indiana, and the P. Hohenadel, jr., Canning Company, by Giles F. Belknap, its secretary, claimant and owner of the seven hundred and eighty-five cases of canned peas, by Bamberger and Fiebleman, their attorneys, and this cause coming on to be heard on the pleadings herein and after due deliberation being had in the premises the court finds that all of the allegations contained in the libel are true and that the United States is entitled to recover herein.

It is therefore ordered, adjudged, and decreed that the said seven hundred and eighty-five cases of canned peas be, and the same are hereby, condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the Court that the costs in this case, taxed at \$—, have been paid by the claimant, the P. Hohenadel, jr., Canning Company, and the claimant having filed herein a good and sufficient bond, to the effect that the said seven hundred and eighty-five cases of canned peas shall not be sold or otherwise disposed of contrary to the provisions of Food and Drugs Act, June 30, 1906,

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said seven hundred and eighty-five cases of canned peas and restore the same to the claimant, the P. Hohenadel, jr., Canning Company.

The facts in this case were as follows:

On or about September 30, 1908, an inspector of the Department of Agriculture found in the possession of the Bement Rea Company, Terre Haute, Ind., 785 cases of canned peas which had been packed and shipped to it by the P. Hohenadel, jr., Canning Company, Rochelle, Ill., on July 31, 1907. The shipping cases, each of which contained 26 cans, were labeled and branded "2 Doz. 2 lb. Cans, Choice Standard Peas. Packed by P. Hohenadel, jr., and Co., Rochelle, Ill." A number of the cans were weighed by the inspector and the average weight per can was found to be 1 pound, 10 ounces, gross.

On September 30, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Indiana, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. MCCABE,  
*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *March 13, 1909.*

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(N. J. 44.)

**MISBRANDING OF MEAL.**

(AS TO MILLING PROCESS.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 11th day of November, 1908, in the district court of the United States for the