

The article was alleged to be adulterated in that soaked dried peas had been substituted in whole and in part for Early June peas, which it purported to be.

It was alleged to be misbranded in that the statements "Early June Peas," together with a design of peas in pods, and "Packed by K. M. Davies Co., Inc. at Williamson, N. Y.," borne on the label, were false and misleading since it did not consist of Early June peas but of soaked dried peas; and it had not been packed by K. M. Davies Co., Inc., Williamson, N. Y.

On November 25, 1940, a plea of guilty having been entered on behalf of the defendants, sentences were imposed which on January 17, 1941, were reduced to the following: Jackson Brokerage Co., Inc., fine of \$50 on each of the two counts; Milton C. Mankowitz, fine of \$400 on count I and placed on probation for 2 years on count II; Amboy Food Corporation, fine of \$1 on each of two counts; Samuel Mankowitz, fine of \$10 on count I and 6 months' imprisonment on count II, jail sentence suspended and defendant placed on probation for 2 years; and Ben H. Jackson, fine of \$50 on each of the two counts.

**Nos. 1986 to 1993, inclusive, report actions based on interstate shipment of canned peas that were substandard because of the presence of excessively mealy peas, as evidenced by the fact that their alcohol-insoluble solids amounted to more than 23.5 percent, and which were not properly labeled to indicate that they were substandard.**

**1986. Misbranding of canned peas. U. S. v. McCoy Canned Food Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 4109. Sample Nos. 27322-E, 27763-E.)**

On or about June 28, 1941, the United States attorney for the Southern District of Ohio filed an information against the McCoy Canned Food Co., a corporation at Urbana, Ohio, alleging shipment within the period from on or about July 17 to on or about November 12, 1940, from the State of Ohio into the State of West Virginia, of quantities of canned peas that were misbranded. The article was labeled in part: "Mad River [or "McCoy" or "Cuba"] Brand Early June Peas."

It was alleged to be misbranded in that it purported to be canned peas of the Alaska or other smooth-skinned variety, a product for which a standard of quality had been prescribed by regulations as provided by law, and its quality fell below the standard so prescribed in that the alcohol-insoluble solids of the peas were more than 23.5 percent; and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 22, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**1987. Misbranding of canned peas. U. S. v. 125 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to local charitable agency. (F. D. C. No. 3760. Sample No. 50739-E.)**

On February 12, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 125 cases, each containing 24 No. 2 cans, of peas at Goldsboro, N. C., alleging that the article had been shipped in interstate commerce on or about August 28 and 30 and September 10, 1940, from Norfolk, Va., by Brittingham Brokerage Co.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Park Hall Brand Early June Peas. Contents 1 Lb. 4 Oz. Packed by G. L. Webster Co., Incorporated, Cheriton, Virginia."

On April 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

**1988. Misbranding of canned peas. U. S. v. 128 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to some local charitable institution. (F. D. C. No. 4202. Sample No. 40546-E.)**

On April 1, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 128 cases, each containing 24 No. 2 cans, of peas at Philadelphia, Pa., alleging that the article had been shipped on or about January 7 and February 3 and 20, 1941, by Draper & Co., Inc., from Milford, Del.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law,