

3867. Adulteration of oats. U. S. v. Pendleton Grain Co. Plea of guilty to count 6 of information. Fine, \$15 and costs. (F. & D. No. 1477. I. S. Nos. 15113-b, 15114-b, 15115-b.)

On August 24, 1910, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 6 counts against the Pendleton Grain Co., a corporation, doing business in the State of Illinois, and having its home office in St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on January 22 and 26, and February 4, 1910, from the State of Illinois into the State of Arkansas, of 3 carloads of oats which were adulterated.

Microscopical examination of a sample of the product taken from the shipment of February 4, 1910, by the Bureau of Chemistry of this department showed the following results: Oats, 73 per cent; barley, 10.6 per cent; wheat, 4.8 per cent; débris and miscellaneous seeds, mostly weed seeds, 11.6 per cent.

Adulteration of the product in this shipment was alleged in the fifth count of the information for the reason that there was mixed and packed therewith barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats, so as injuriously to affect the quality of the said "No. 3 White Oats," the said barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats constituting and being a large part, to wit, 27 per cent, of said article so shipped as aforesaid. Adulteration of the product in this shipment was alleged in the sixth count of the information for the reason that barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats were substituted in part for said article sold as "No. 3 White Oats" as aforesaid, the said barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats constituting and being a large part, to wit, 27 per cent, of said article so sold and shipped as aforesaid.

On November 18, 1914, the defendant company entered a plea of guilty to the sixth count of the information, which contained in part the charge of adulteration of the product in the shipment of February 4, 1910, and the court imposed a fine of \$15 and costs. The fifth count of the information covering the other charge of adulteration against this product, and the first, second, third, and fourth counts of the information, charging adulteration of the product in the other two shipments, in like tenor, were dismissed by the United States attorney.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*