

ordered that the product be released under bond, conditioned that it be brought into conformity with the Federal Food and Drugs Act under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24013. Adulteration and misbranding of wheat gray shorts and wheat scourings. U. S. v. Standard Milling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 31375. Sample no. 16974-A.)**

This case was based on an interstate shipment of a product, sold as wheat gray shorts and scourings, which was found to consist in part of brown shorts and to contain more fiber than declared on the label.

On January 22, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Milling Co., a corporation, Kansas City, Kans., alleging shipment by said company on or about November 1, 1932, under the name of the Southwestern Milling Co., Inc., from the State of Kansas into the State of Missouri, of a quantity of wheat gray shorts and wheat scourings which were adulterated and misbranded. The article was labeled in part: "Red Turkey Wheat Gray Shorts and Wheat Scourings. The Southwestern Milling Co., Inc., Kansas City, U. S. A. Guaranteed Analysis \* \* \* Crude Fiber Not More than 6.0."

The article was alleged to be adulterated in that brown shorts had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts and Wheat Scourings" and "Crude Fiber not more than 6.0", borne on the tag attached to the sack containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that the said statements represented that the article consisted wholly of wheat gray shorts and wheat scourings and contained not more than 6 percent of crude fiber; whereas it consisted in part of brown shorts and contained more than 6 percent of crude fiber, namely, 6.53 percent of crude fiber.

On December 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24014. Adulteration of apples. U. S. v. 12 Boxes and 13 Boxes of Apples. Consent decrees of destruction. (F. & D. no. 32386. Sample no. 41276-A.)**

This case involved an interstate shipment of apples which bore arsenic and lead in amounts that might have rendered them injurious to health.

On or about February 8, 1934, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 boxes of apples, in part at Bismarck, N. Dak., and in part at Mandan, N. Dak., consigned by Moore Bros., Waitsburg, Wash., alleging that the article had been shipped in interstate commerce, on or about January 9, 1934, from Waitsburg, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Spitzberger Moore Bros., Waitsburg, Wash."

It was alleged in the libels that the article was adulterated in that it contained arsenic and lead, added poisonous substances, which might have rendered it injurious to health.

On February 21, 1934, Moore Bros., having admitted the material allegations of the libels and having consented to the entry of decrees, judgments were entered ordering the product destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24015. Adulteration and misbranding of tomato catsup. U. S. v. Raab's Blue Ribbon Products, Inc. Pleas of guilty. Fines, \$15. (F. & D. nos. 32186, 32916. Sample nos. 55588-A, 58944-A, 58945-A, 58946-A, 58948-A, 58949-A, 69220-A, 69221-A, 69222-A.)**

These cases were based on various interstate shipments of tomato catsup that was adulterated since it was in part decomposed, and on one shipment of tomato catsup that was misbranded since it was not properly labeled to indicate the quantity of the contents.