

The alfalfa leaf meal, contained in bags, was labeled in part: "Leaf Velvet Brand Alfalfa Meal 100 Pounds Net Manufactured by Saunders Mills, Inc. Toledo, Ohio Made Principally From Alfalfa Leaves Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent." The alfalfa hay, in bales, was sold and shipped as "U. S. Grade No. 1."

The alfalfa leaf meal was alleged to be adulterated in that a substance, alfalfa meal containing less than 20 percent of crude protein and more than 18 percent of crude fiber, had been substituted for alfalfa leaf meal which the article purported to be.

The so-called alfalfa leaf meal was alleged to be misbranded in that the statements, "Alfalfa Meal Leaf", "Made Principally From Alfalfa Leaves", and "Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent", borne on the label, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since said statements represented that the article was alfalfa leaf meal and that it contained not less than 20 percent of crude protein and not more than 18 percent of crude fiber; whereas in fact the article was not alfalfa leaf meal and it contained less than 20 percent of crude protein and more than 18 percent of crude fiber. The article was alleged to be misbranded further in that it was an imitation of another article, namely, alfalfa leaf meal, which the article purported to be.

The alfalfa hay was alleged to be adulterated in that substances, namely, U. S. grade No. 2 alfalfa and U. S. Sample grade alfalfa had been substituted in part for U. S. grade No. 1 alfalfa hay, which the article purported to be.

On April 20, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$150 and costs.

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

25978. Adulteration of canned salmon. U. S. v. Klawock Packing Co. Plea of guilty. Fine \$10 and costs. (F. & D. no. 36936. Sample nos. 26565-B, 26567-B, 37881-B, 37893-B, 40878-B, 40888-B.)

This case involved interstate shipments of canned salmon that was decomposed.

On March 3, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Klawock Packing Co., a corporation, Seattle, Wash., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 12, 20, and 31, 1935, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On April 18, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$10 and costs.

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

25979. Adulteration and misbranding of apple butter. U. S. v. Glaser, Crandell Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 37006. Sample no. 29729-B.)

This case involved a product that was represented to be apple butter, i. e., a product made from fresh apples, but which consisted of dried-apple butter. The product also contained evidences of insect infestation.

On April 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glaser, Crandell Co., a corporation at Chicago, Ill., alleging that on or about August 2, 1935, the said defendant had shipped from the State of Illinois into the State of North Dakota a quantity of apple butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Our Family * * * Apple Butter, Packed for Nash-Finch Co., General Offices, Minneapolis, Minn."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance because of contamination by larvae, worms, and insect parts; in that dried-apple butter, a product made from evaporated apples, had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality; and in that the dried-apple butter had been substituted for apple butter, which the article purported to be.

The article was alleged to be misbranded in that the statement "apple butter", borne on the jars, was false and misleading and in that the statement was borne on the jars so as to deceive and mislead the purchaser, since it represented that the article was apple butter, i. e., a product made from fresh apples and the juice thereof; whereas the article had been made from dried or evaporated apples.

On May 7, 1936, 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.*

25980. Misbranding of canned peas. U. S. v. 134 Cases of Canned Peas, and other cases. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed. (F. & D. nos. 35496, 35601, 35639, 35640, 35679, 35839, 36692, 37099. Sample nos. 19398-B, 23135-B, 23136-B, 23137-B, 23148-B, 23198-B, 28922-B, 36381-B, 39588-B, 48570-B, 49692-B.)

These cases were based on interstate shipments of canned peas that fell below the standard established by the Department of Agriculture because the peas were not immature, as shown by the presence of an excessive proportion of ruptured peas that were not labeled to indicate that they were substandard.

On May 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 cases of canned peas at Fall River, Mass., and on and between June 13, 1935, and January 23, 1936, libels were similarly filed in other districts, praying seizure and condemnation of 997 cases of the product at Waterloo, Iowa; 2,673 cases at Cedar Rapids, Iowa; 48 cartons at Lewiston, Maine; 500 cases at Nashville, Tenn.; 1,137 cases at Kansas City, Mo.; 500 cases at Jersey City, N. J.; and 204 cases at Macon, Ga. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of January 5 and November 2, 1935, by G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The shipments were made by the G. L. Webster Co., Inc. The article was labeled in part: "Park Hall Brand [or "Tower Hill Brand", Eyre Hall Brand", "Blue Dot Brand", or "Webster's"] Early June Peas * * * Packed by G. L. Webster Company Incorporated Cheriton Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 21, September 4, 1935, and January 15, 1936, G. L. Webster Co., Inc., claimant, having admitted the allegations of the libels against the lots seized at Fall River, Mass., Kansas City, Mo., and Nashville, Tenn., and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered that the said lots be released under bond conditioned that they be relabeled. On September 24, 1935, the lots seized at Cedar Rapids, Iowa, were ordered released to the claimant, the G. L. Webster Co., Inc., under a bond conditioned that they be relabeled. On July 23, 1935, and January 21, February 27, and April 30, 1936, no claimant having appeared for the lots seized at Lewiston, Maine, Jersey City, N. J., Macon, Ga., and Waterloo, Iowa, decrees of condemnation were entered and it was ordered that they be destroyed.

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

25981. Adulteration and misbranding of preserves. U. S. v. 47 Cases of Assorted Alleged Preserves. Default decree of condemnation and forfeiture. (F. & D. no. 37111. Sample nos. 51403-B, 51405-B to 51408-B, incl.)

This case involved interstate shipments of so-called blackberry, peach, pineapple, strawberry, and raspberry preserves, all of which contained added acid and all of which, with the exception of the pineapple variety, were insufficiently concentrated and contained added pectin; the quantity of the contents of the packages of each of the several products was less than represented on the labels.

On January 27, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 47 cases of assorted alleged preserves at Washington, D. C., alleging that the articles had been shipped in interstate commerce