

Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27759. Adulteration of pecans. U. S. v. 284, 398, and 464 Bags of Pecans. Consent decree of condemnation. Product released under bond for salvaging.** (F. & D. No. 39660. Sample Nos. 41830-C, 41831-C, 41832-C.)

This product was in part smoke-damaged.

On May 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,146 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce between the dates of April 10, 1937, and April 23, 1937, by Carl E. Atwood from Helena, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that smoke-damaged pecans had been substituted wholly or in part for edible pecans.

On September 30, 1937, Henry Stern, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant under bond for salvaging the good portion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27760. Adulteration and misbranding of soft winter wheat middlings. U. S. v. Aaron Weigel and Robert Weigel (Middletown Flour Mill). Pleas of guilty. Fines, \$30.** (F. & D. No. 38665. Sample Nos. 830-C, 831-C.)

This product was represented to be soft winter wheat middlings. Examination showed that it consisted in part of screenings and scourings, and contained smaller percentages of crude protein and crude fat than declared on the label.

On September 14, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aaron Weigel and Robert Weigel, trading as the Middletown Flour Mill, Middletown, Del., alleging shipment by said defendants in violation of the Food and Drugs Act on or about October 9 and October 12, 1936, from the State of Delaware into the State of Maryland of quantities of soft winter wheat middlings that were adulterated and misbranded. The article was labeled in part: (Tag) "Soft Winter Wheat Middling \* \* \* Minimum Crude Protein 14% Minimum Crude Fat 4% \* \* \* Middletown Flour Mill, Middletown, Del."

It was alleged to be adulterated in that screenings and scourings had been mixed and packed with it so as to lower and reduce its quality and strength, and had been substituted in part for soft winter wheat middlings, which it purported to be.

It was alleged to be misbranded in that the statements, "Minimum Crude Protein 14% Minimum Crude Fat 4%," borne on the tag, were false and misleading; and in that it was labeled so as to deceive and mislead purchasers, since it contained less than 14 percent of crude protein and less than 4 percent of crude fat, samples taken from each of the two shipments having been found to contain 11.88 percent and 11.94 percent of crude protein, and 2.91 percent and 3.08 percent of crude fat.

It was alleged to be misbranded further in that a product composed in part of screenings and scourings prepared in imitation of soft winter wheat middlings had been offered for sale and sold under the distinctive name of another article, namely, "Soft Winter Wheat Middlings."

On September 23, 1937, the defendants entered pleas of guilty, and were each fined \$15.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27761. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Ponca City Milling Co., Inc. Plea of guilty. Fine, \$30.** (F. & D. No. 38675. Sample No. 2079-C.)

In this product brown shorts had been substituted in whole or in part for gray shorts. It also contained fiber in excess of the amount declared.

On July 3, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district