

**28485. Adulteration and misbranding of alfalfa meal. U. S. v. El Reno Mill & Elevator Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 39479. Sample No. 2081-C.)**

This product contained less protein than that declared on the label, and it consisted in part of alfalfa stems and foreign grasses.

On May 22, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the El Reno Mill & Elevator Co., a corporation, El Reno, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 4, 1936, from the State of Oklahoma into the State of Texas, of a quantity of alfalfa meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Alfalfa Meal Manufactured by El Reno Mill & Elevator Co., El Reno, Oklahoma."

It was alleged to be adulterated in that a product deficient in protein and which contained added alfalfa stems and foreign grasses, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength; in that it was a product inferior to alfalfa meal and had been mixed in a manner whereby its inferiority was concealed; and in that a product deficient in protein and containing alfalfa stems and foreign grasses had been substituted for alfalfa meal, which the article purported to be.

Misbranding was alleged in that the statements on the tag, "Alfalfa Meal" and "Guaranteed Analysis Crude Protein 14%," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser, since they represented that the article consisted wholly of alfalfa meal and that it contained not less than 14 percent of crude protein; whereas it did not consist wholly of alfalfa meal but did consist in part of alfalfa stems and foreign grasses, and did contain less than 14 percent, namely, not more than 11.2 percent of crude protein.

On January 11, 1938, a plea of nolo contendere was entered and the defendant was sentenced to pay a fine of \$100 and costs.

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

**28486. Misbranding of alfalfa meal. U. S. v. Pecos Valley Alfalfa Mill Co. Plea of guilty. Fine, \$30. (F. & D. No. 39481. Sample No. 2603-C.)**

This product contained less protein, less fat, and more fiber than declared and it also contained excessive alfalfa stems.

On October 2, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pecos Valley Alfalfa Mill Co., a corporation trading at Rupert, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 26, 1936, from the State of Idaho into the State of Wisconsin, of a quantity of alfalfa meal which was misbranded. The article was labeled in part: (Tag) "Pecos Special \* \* \* Alfalfa Meal \* \* \* Made by the Pecos Valley Alfalfa Mill Co., Hagerman, New Mexico."

It was alleged to be misbranded in that the statements on the tag, "Alfalfa Meal Made from Alfalfa Hay" and "Guaranteed Analysis, Protein 13.0% \* \* \* Fat 1.5% \* \* \* Fiber 33.0%," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser, since they represented that the article was alfalfa meal made from alfalfa hay and that it contained not less than 13.0 percent of protein, not less than 1.5 percent of fat, and not more than 33.0 percent of fiber; whereas the article was not alfalfa meal made from alfalfa hay since it contained excessive alfalfa stems and it contained not more than 11.56 percent of protein, not more than 1.40 percent of fat, and not less than 38.65 percent of fiber.

On January 10, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$30.

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

**28487. Adulteration of dressed poultry. U. S. v. Worthington Creamery & Produce Co. Plea of guilty. Fine, \$25. (F. & D. No. 39483. Sample No. 26155-C.)**

Samples of this product were found to be emaciated, diseased, or decomposed.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Worthington Creamery & Produce Co., a corporation, Worthington, Minn., alleging shipment by said company in violation of the Food

and Drugs Act, on or about December 1, 1936, from the State of Minnesota into the State of Illinois, of a quantity of dressed poultry which was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 18, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

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

**28488. Adulteration of maple sirup. U. S. v. 1 Drum of Maple Sirup. Default decree of condemnation and destruction.** (F. & D. No. 39596. Sample No. 20803-C.)

This product contained excessive lead.

On May 14, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of maple sirup at Rutland, Vt., alleging that the article had been shipped in interstate commerce on or about April 22, 1937, from Merriam, N. Y., by G. J. Barnaby, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On January 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28489. Adulteration of maple sirup. U. S. v. 2 Drums of Maple Sirup. Decree ordering product released under bond for deleading.** (F. & D. No. 39645. Sample No. 21110-C.)

This product contained excessive lead.

On May 25, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two drums of maple sirup at Rutland, Vt., alleging that the article had been shipped in interstate commerce on or about April 27, 1937, from Cattaraugus, N. Y., by W. H. Lincoln, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On January 17, 1938, the G. H. Grimm Co., Rutland, Vt., claimant, having admitted the allegations of the libel and having petitioned the release of the product, the article was ordered released under bond conditioned that it be deleaded in order to remove the injurious ingredient.

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

**28490. Adulteration of apples. U. S. v. 25 Bushels and 31 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40734. Sample No. 59488-C.)

This product was contaminated with arsenic and lead.

On October 6, 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 56 bushels of apples at Joliet, Ill., alleging that the article had been shipped in interstate commerce, on or about September 30, 1937, from Fennville, Mich., by Edmund Ongena, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28491. Adulteration of flour. U. S. v. 600 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured.** (F. & D. No. 40745. Sample No. 22515-C.)

This product was infested with weevils.

On November 16, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district