

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings, which it purported to be.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and Screenings" and "Crude Fiber (not more than) 6.00%," borne on the tags, were false and misleading, and were borne on the tags so as to deceive and mislead the purchaser, since it consisted of wheat brown shorts and screenings, and contained more than 6.00 percent, to wit, not less than 7.34 percent of crude fiber.

On May 25, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

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

30584. Adulteration and misbranding of self-rising buckwheat, wheat, and corn flour. U. S. v. 28 Cartons of ASCO Brand Self Rising Buckwheat, Wheat, & Corn Flour. Default decree of condemnation and destruction. (F. & D. No. 45105. Sample No. 34453-D.)

This product contained sand, and it was also short of the declared weight.

On March 28, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cartons of buckwheat, wheat, and corn flour at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about January 26, 1939, by France Milling Co. from Cobleskill, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Distributed by American Stores Co. Philadelphia, Pa."

It was alleged to be adulterated in that buckwheat flour containing sand had been mixed and packed with it so as to reduce or lower its quality, and had been substituted in whole or in part for the article.

It was alleged to be misbranded in that the statement "Net Weight 1 lb. 4 Oz.," borne on the package, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30585. Misbranding of butter. U. S. v. Western Produce Co., Inc. (Lubbock Poultry & Egg Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 42700. Sample Nos. 27276-D, 30629-D, 30631-D, 30640-D.)

This product was short of the declared weight.

On April 20, 1939, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Produce Co., Inc., trading as the Lubbock Poultry & Egg Co., Lubbock, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about July 30 to on or about September 8, 1938, from the State of Texas into the State of New Mexico, of quantities of butter which was misbranded. It was labeled in part: "Finest Creamery Butter * * * Put up for Safeway Stores, Incorporated"; or "Clear Brook Creamery Butter Distributed by Wilson & Co."

The article was alleged to be misbranded in that the statement borne on the cartons, "Net Weight One Pound" or "Net Weight 1 Pound," was false and misleading and tended to deceive and mislead the purchaser since the cartons contained less than the amount stated. Misbranding was alleged further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages.

On May 15, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

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