

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

31001-31075

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 17, 1940]

31001. Adulteration and misbranding of wheat brown shorts and screenings. U. S. v. Commander-Larabee Milling Co. (Larabee Flour Mills Co.). Plea of guilty. Fine, \$50. (F. & D. No. 42788. Sample No. 5982-D.)

Wheat mixed feed and screenings had been substituted for wheat brown shorts and screenings and contained more crude fiber than the amount declared on the label.

On January 8, 1940, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed an information against the Commander-Larabee Milling Co., trading as the Larabee Flour Mills Co., Kansas City, Mo., alleging shipment by said defendant on or about May 29, 1939, from the State of Missouri into the State of Texas of a quantity of wheat brown shorts and screenings that were adulterated and misbranded.

The article was alleged to be adulterated in that wheat mixed feed and screenings had been substituted in whole or in part for wheat brown shorts and screenings.

It was alleged to be misbranded in that the statements borne on the tag, "Wheat Brown Shorts & Screenings" and "Crude Fibre, not more than 7.50%," were false and misleading and tended to deceive and mislead the purchaser, since the article consisted of wheat mixed feed and screenings and contained not less than 8.39 percent of crude fiber.

On January 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31002. Misbranding of canned peas. U. S. v. 25 Cases of Peas. Default decree of condemnation and destruction. (F. & D. No. 45575. Sample No. 82614-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 18, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed a libel against 25 cases of canned peas at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 7, 1939, by W. H. Killian Co. from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Old Reliable Brand Early June Peas Lord-Mott Co. Baltimore, Md. * * * Distributors."

It 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 its package or label did not bear a plain and conspicuous statement prescribed by regulation of this department indicating that it fell below such standard.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*