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