

21039. Misbranding of potatoes. U. S. v. Utah Fruit & Vegetable Growers, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29509. I. S. no. 32677.)

This action was based on an interstate shipment of potatoes labeled "U. S. No. 1." Examination showed that the potatoes were below the grade specified.

On April 1, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Utah Fruit & Vegetable Growers, Inc., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about April 1, 1932, from the State of Utah into the State of Colorado, of a quantity of potatoes which were misbranded. The article was labeled in part: "Selected U. S. No. 1 Potatoes Utah Fruit & Vegetable Growers, Inc. Salt Lake City, Utah, * * * Utah Selected U. S. No. 1 Big M Brand Potatoes E. O. Muir & Co. Salt Lake City, Utah."

It was alleged in the information that the article was misbranded in that the statements, "Selected U. S. No. 1 Potatoes" and "Utah Selected U. S. No. 1 M Brand Potatoes", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it consisted of potatoes inferior to Selected U. S. No. 1 and Utah Selected U. S. No. 1 M Brand.

On April 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

21040. Adulteration and misbranding of gray shorts with ground wheat screenings. U. S. v. The Larabee Flour Mills Co. Plea of guilty. Fine, \$25. (F. & D. no. 29361. I. S. no. 44629.)

This case was based on an interstate shipment of feed, represented to be wheat gray shorts with ground wheat screenings, which was found to consist of brown wheat shorts. The article contained more fiber than declared on the label.

On March 13, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Larabee Flour Mills Co., a corporation, Hutchinson, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 29, 1931, from the State of Kansas into the State of Missouri, of a quantity of feed that was adulterated and misbranded. The article was labeled in part: (Tag) "Manufactured by the Larabee Flour Mills Company, Kansas City, Missouri. Guaranteed Analysis * * * Crude Fibre not more than 6.00% * * * Ingredients—Wheat Gray Shorts with ground wheat screenings not exceeding 8%."

It was alleged in the information that the article was adulterated in that wheat brown shorts without ground wheat screenings had been substituted for wheat gray shorts with ground wheat screenings not exceeding 8 percent, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts With Ground Wheat Screenings * * * not exceeding 8%, Guaranteed Analysis * * * Crude Fibre, not more than 6.00%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted of brown shorts without ground wheat screenings, and contained more than 6 percent of crude fiber, namely 7.84 percent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

21041. Adulteration of apples. U. S. v. 12 Boxes and 25 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29671. Sample nos. 18050-A, 31226-A.)

This case involved quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 23, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 boxes of apples at Miles City, Mont., alleging that the article had been shipped in interstate commerce,