

1938, from the State of New York into the State of New Jersey, of quantities of horseradish which was adulterated and misbranded.

The article was alleged to be adulterated in that a substance other than horseradish, namely, a mixture of ground turnip or ground parsnip, containing cornstarch and mustard oil, had been substituted for horseradish, which it purported to be.

A portion of the article was alleged to be misbranded in that the statement "Horseradish," borne on the jar label, was false and misleading and was borne on said label so as to deceive and mislead the purchaser, since the article did not consist of horseradish, but did consist of a substance other than horseradish, namely, a mixture of ground turnip or ground parsnip, containing cornstarch and mustard oil. Further misbranding of the said portion was alleged in that it was an imitation of horseradish, and was offered for sale and sold under the name of another article, namely, horseradish. Both lots were alleged to be misbranded in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On June 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 on count 1 of the information, and ordered that imposition of sentence be suspended on the remaining 4 counts. The defendant was placed on probation for 60 days.

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

**30773. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist (Hacker Flour Mills). Plea of guilty. Fine, \$60 and costs. (F. & D. No. 42719. Sample Nos. 3914-D, 3915-D.)**

Wheat brown shorts and screenings had been substituted in whole or in part for this product. It contained more crude fiber than declared on the tags.

On May 8, 1939, 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 Mrs. Harriett E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist, trading as Hacker Flour Mills, Jefferson, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act on or about November 10 and 22, 1938, from the State of Oklahoma into the State of Texas of quantities of a product labeled "wheat gray shorts and screenings" which was adulterated and misbranded.

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.

It was alleged to be misbranded in that the statements "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Percent," borne on the tag, were false and misleading and were borne on the tag so as to deceive and mislead the purchaser, since the article consisted of wheat brown shorts and screenings and it contained more than 6 percent of crude fiber, the two shipments having been found to contain 7.59 percent and 7.48 percent, respectively, of crude fiber.

On May 11, 1939, a plea of guilty having been entered, the court imposed a fine of \$60 and costs.

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

**30774. Adulteration of flour. U. S. v. 200 Bags, 200 Bags, and 581 Sacks of Flour. Product ordered released under bond conditioned that portion found unfit for human consumption be disposed of for duck feed or for technical purposes. (F. & D. Nos. 45394, 45438. Sample Nos. 44298-D, 44299-D, 44300-D.)**

This product had been shipped in interstate commerce by boat from Seattle, Wash., to Newark, N. J., at which port it was substantially damaged, the result of a fire in the hold of the ship. When examined the product was found to be water-soaked, and some bags were charred and covered with a black oily substance.

On May 23 and June 2, 1939, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 981 sacks of flour remaining unsold and in the original packages at Newark, N. J.; alleging that the article had been shipped on or about February 25, 1939, by Centennial