

30947. Adulteration and misbranding of horseradish. U. S. v. Monmouth Packing Co., Inc., and Julius Paley. Pleas of guilty. Defendants each fined \$75 on count 1. Sentence suspended on remaining counts and defendants placed on probation for 3 months. (F. & D. No. 42652. Sample Nos. 12877-D, 14628-D, 25980-D, 26481-D, 33938-D, 35461-D, 35462-D.)

This product consisted of a mixture of turnip and horseradish. The labels of two of the lots failed to bear a plain and conspicuous statement of the quantity of contents.

On June 23, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Monmouth Packing Co., Inc., Long Island City, N. Y., and Julius Paley, president of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about June 28 to on or about July 23, 1938, from the State of New York into the States of New Jersey, Massachusetts, and Virginia of quantities of horseradish that was adulterated and misbranded. The article was labeled in part, variously: "Deyo's High Grade Horse Radish 6 Ozs. Avd. Manufactured By Wm. P. Deyo, Inc., L. I. City, N. Y."; "Muri Brand * * * Horse-Radish 6 New England Importation Co. Boston, Mass."; "Colonial Brand * * * Horse Radish Monmouth Packing Co., Inc."; "Colonial Brand * * * Horse Radish Colonial Packing Co., Inc., Brooklyn, N. Y."; "Horse Radish Contents 1 Qt."

The article was alleged to be adulterated in that turnip had been mixed and packed with it so as to reduce its quality or strength; in that turnip and horseradish had been mixed together so as to simulate the appearance of a product consisting wholly of horseradish, and in a manner whereby its inferiority to horseradish was concealed; and in that a mixture of turnip and horseradish had been substituted for a product consisting wholly of horseradish, which the article purported to be.

Misbranding was alleged in that the statement "Horse Radish," borne on the labels, was false and misleading and was borne on the said labels so as to deceive and mislead the purchaser, in that the said statement represented that the article consisted wholly of horseradish; whereas it consisted of a mixture of turnip and horseradish. It was alleged to be misbranded further in that it consisted of a mixture of turnip and horseradish prepared in imitation of horseradish and was offered for sale and sold under the distinctive name of another article. Two of the bottles were alleged to be misbranded further in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1939, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$75 against each defendant on count 1 of the information. Sentence was suspended on the remaining 11 counts and the defendants were placed on probation for 3 months.

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

30948. Adulteration and misbranding of feeding oatmeal. U. S. v. George Frederick Obrecht (P. Fred'k Obrecht & Son and The Hood Mills Co.). Plea of guilty. Fine, \$5 and costs. (F. & D. No. 42755. Sample No. 5321-D.)

A mixture consisting almost entirely of wheat and rice products and containing little, if any, oat products was substituted for this product.

On September 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 an information against George Frederick Obrecht, trading as P. Fred'k Obrecht & Son and the Hood Mills Co., at Baltimore, Md., alleging shipment in violation of the Food and Drugs Act within the period from on or about January 13 to on or about March 24, 1939, from the State of Maryland into the State of Virginia, of a quantity of fine ground feeding oatmeal which was adulterated and misbranded. The article was labeled in part: "Manufactured for J. A. Forrest Company Minneapolis, Minn."

It was alleged to be adulterated in that a mixture consisting almost entirely of wheat and rice products and containing little, if any, oat products, had been substituted for fine ground feeding oatmeal, which it was represented to be.

Misbranding was alleged in that the statement "Fine Ground Feeding Oatmeal," borne on the tags, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser. It was alleged to be misbranded further in that it was prepared