

4871. Misbranding of buckwheat and wheat flour. U. S. * * * v. Don Leon Van Wegen, trading as Eulalia Mills. Plea of guilty. Fine, \$5. (F. & D. No. 6727. I. S. No. 2891-h.)

On October 21, 1915, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Don Leon Van Wegen, trading as Eulalia Mills, Coudersport, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 23, 1913, from the State of Pennsylvania into the State of New York, of a quantity of buckwheat and wheat flour which was misbranded. The article was labeled, in part: (On retail package) "2½ Lbs. Peerless Brand Self-Rising Buckwheat and Wheat Flour Manufactured by Eulalia Mills Coudersport, Penna."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the packages of the same to contain less than 2½ pounds, the average shortage of 12 packages being 8.7 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "2½ lbs.," borne on the packages containing the article, was false and misleading in that it represented that the packages contained 2½ pounds; and for the further reason that it was labeled "2½ lbs.," so as to deceive and mislead the purchaser into the belief that the packages contained 2½ pounds, whereas, in truth and in fact, they did not contain 2½ pounds, but contained a less amount.

On January 10, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

CARL VROOMAN, *Acting Secretary of Agriculture.*