

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

in imitation of fine ground feeding oatmeal and was offered for sale and was sold under the distinctive name of another article.

On October 10, 1939, a plea of guilty was entered and the court imposed a fine of \$5 and costs.

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

30949. Adulteration and misbranding of horseradish. U. S. v. H. M. Field, Inc. Plea of guilty. Defendant fined \$50 and placed on probation for 3 months. (F. & D. No. 42662. Sample Nos. 25449-D, 25459-D, 25476-D.)

This product consisted of a mixture of ground turnip, cornstarch, and mustard oil.

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 H. M. Field, Inc., New York, N. Y., alleging shipment by said corporation in violation of the Food and Drugs Act on or about April 16 and 28 and June 3, 1938, from the State of New York into the State of Connecticut, of quantities of horseradish which was adulterated and misbranded. A portion of the product was labeled in part: "Field's Best Horseradish." The remaining portion was invoiced as horseradish, but was unlabeled.

The article was alleged to be adulterated in that a mixture which consisted of ground turnip, parsnip, cornstarch, and mustard oil had been substituted for horseradish.

Misbranding was alleged with respect to two of the lots in that the statement "Horseradish," borne on the jar labels was false and misleading and tended to deceive and mislead the purchaser, since the article did not consist of horseradish. It was alleged to be misbranded further in that it was a mixture of ground turnip, parsnip, cornstarch, and mustard oil, prepared in imitation of horseradish; and was offered for sale and sold under the distinctive name of another article. The unlabeled portion was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1939, a plea of guilty having been entered, the defendant was fined \$50 and placed on probation for a period of 3 months.

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

30950. Adulteration and misbranding of pulverized oats, feeding oatmeal, ground oats, flour middlings, and red dog feed. U. S. v. G. Fred Obrecht (P. Fred'k Obrecht & Son). Plea of guilty. Fine, \$55 and costs. (F. & D. No. 42563. Sample Nos. 902-C, 903-C, 4921-D to 4929-D, inclusive.)

This case involved interstate shipment of the following feeds: Products represented to be feeding oatmeal, pulverized oats, and ground oats which contained in addition to such substances other ingredients such as rice hulls, rice fragments, rice bran, barley, barley hulls, cassava meal, and starch other than oat starch; flour middlings which consisted of wheat products and cassava meal; and red dog feed which consisted of wheat flour and tissues, rye flour and tissues, and cassava meal.

On October 19, 1938, 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 G. Fred Obrecht, trading as P. Fred'k Obrecht & Son at Baltimore, Md., alleging shipment by him in violation of the Food and Drugs Act within the period from about August 7 to about December 27, 1937, from Baltimore, Md., into the State of Massachusetts of quantities of pulverized oats, fine ground feeding oatmeal, ground oats, Draco Flour Middlings, and Farmso Red Dog Feed which were adulterated and misbranded. They were labeled in part, variously: "Hood Mills Company * * * Baltimore, Md."; "Farmers Service Bureau Baltimore, Md."; and "Dried Grains Corporation Baltimore, Md."

The pulverized oats were alleged to be adulterated in that a mixture of finely ground oats, a ground wheat product, and starchy material resembling cassava starch had been substituted for the article in one shipment; a mixture of ground oats and finely ground rice bran had been substituted for the article in two shipments; a mixture of ground oats, rice bran, broken rice, and cassava meal had been substituted for the article in one shipment; and a mixture of pulverized oats, ground rice bran and cassava meal had been substituted for the article in another shipment.

The fine ground feeding oatmeal was alleged to be adulterated in that a mixture of ground oats, finely ground rice bran, rice hulls, broken rice frag-