

Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

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

**27759. Adulteration of pecans. U. S. v. 284, 398, and 464 Bags of Pecans. Consent decree of condemnation. Product released under bond for salvaging.** (F. & D. No. 39660. Sample Nos. 41830-C, 41831-C, 41832-C.)

This product was in part smoke-damaged.

On May 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,146 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce between the dates of April 10, 1937, and April 23, 1937, by Carl E. Atwood from Helena, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that smoke-damaged pecans had been substituted wholly or in part for edible pecans.

On September 30, 1937, Henry Stern, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant under bond for salvaging the good portion.

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

**27760. Adulteration and misbranding of soft winter wheat middlings. U. S. v. Aaron Weigel and Robert Weigel (Middletown Flour Mill). Pleas of guilty. Fines, \$30.** (F. & D. No. 38665. Sample Nos. 830-C, 831-C.)

This product was represented to be soft winter wheat middlings. Examination showed that it consisted in part of screenings and scourings, and contained smaller percentages of crude protein and crude fat than declared on the label.

On September 14, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aaron Weigel and Robert Weigel, trading as the Middletown Flour Mill, Middletown, Del., alleging shipment by said defendants in violation of the Food and Drugs Act on or about October 9 and October 12, 1936, from the State of Delaware into the State of Maryland of quantities of soft winter wheat middlings that were adulterated and misbranded. The article was labeled in part: (Tag) "Soft Winter Wheat Middling \* \* \* Minimum Crude Protein 14% Minimum Crude Fat 4% \* \* \* Middletown Flour Mill, Middletown, Del."

It was alleged to be adulterated in that screenings and scourings had been mixed and packed with it so as to lower and reduce its quality and strength, and had been substituted in part for soft winter wheat middlings, which it purported to be.

It was alleged to be misbranded in that the statements, "Minimum Crude Protein 14% Minimum Crude Fat 4%," borne on the tag, were false and misleading; and in that it was labeled so as to deceive and mislead purchasers, since it contained less than 14 percent of crude protein and less than 4 percent of crude fat, samples taken from each of the two shipments having been found to contain 11.88 percent and 11.94 percent of crude protein, and 2.91 percent and 3.08 percent of crude fat.

It was alleged to be misbranded further in that a product composed in part of screenings and scourings prepared in imitation of soft winter wheat middlings had been offered for sale and sold under the distinctive name of another article, namely, "Soft Winter Wheat Middlings."

On September 23, 1937, the defendants entered pleas of guilty, and were each fined \$15.

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

**27761. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Ponca City Milling Co., Inc. Plea of guilty. Fine, \$30.** (F. & D. No. 38675. Sample No. 2079-C.)

In this product brown shorts had been substituted in whole or in part for gray shorts. It also contained fiber in excess of the amount declared.

On July 3, 1937, 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 the Ponca City Milling Co., Inc., Ponca City, Okla., alleging shipment by said company on or about August 25, 1936, from the State of Oklahoma into the State of Texas of a quantity of wheat gray shorts and screenings that were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Wheat Gray Shorts and Screenings \* \* \* Ponca City Milling Company Ponca City, Oklahoma \* \* \* Crude Fiber not more than 6.00 Per Cent."

It was alleged to be adulterated in that wheat brown shorts had been substituted in whole and in part for wheat gray shorts, which it purported to be.

It was alleged to be misbranded in that the statements on the tag, "Gray Shorts" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since it was not gray shorts but was brown shorts; and it contained more than 6 percent of crude fiber, namely, 7.01 percent.

On September 2, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30.

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

**27762. Adulteration of canned salmon. U. S. v. Andrew S. Day (North Pacific Sea Foods). Plea of guilty. Fine, \$20 and costs.** (F. & D. No. 38681. Sample Nos. 2700-C, 10915-C, 11083-C, 23683-C, 29228-C, 29612-C, 29621-C, 29636-C, 32402-C, 32421-C.)

Samples of this product were found to be decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew S. Day, trading as North Pacific Sea Foods, at Valdez, Alaska, alleging shipment by said defendant in violation of the Food and Drugs Act in various consignments on or about August 16, August 23, September 19, and September 28, 1936, from Dayville, Alaska, into the State of Washington of quantities of canned salmon which was adulterated. One shipment was labeled in part: (Cans) "North View Brand Alaska Pink Salmon."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On August 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$20 and costs.

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

**27763. Adulteration and misbranding of lime and lemon juices. U. S. v. 10 Cases of Lime Juice, et al. Default decree of condemnation and destruction.** (F. & D. Nos. 38883, 39917. Sample Nos. 12181-C to 12188-C, incl., 20870-C, 20871-C, 20872-C.)

Examination showed that these products consisted of water, lime or lemon juice, added acid, and, in some lots, added citrus peel oils.

On December 31, 1936, and June 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 cases of lime juice and 34 cases of lemon juice at Providence, R. I.; and 44 bottles of lime juice and 215 bottles of lemon juice at Pawtucket, R. I. alleging that the articles had been shipped in interstate commerce between the dates of August 21, 1935, and December 15, 1936, by Snow Crest, Inc., from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled: "Snow Crest DeLuxe Lime [or "Lemon"] Juice Snow Crest Inc. Salem, Mass." One lot was labeled: "Decanteur DeLuxe Lemon Juice Fashioned by Snow Crest, Salem, Mass."

The articles were alleged to be adulterated in that an imitation lime or lemon juice, consisting of water, lime or lemon juice, and added citric acid—and in some lots, added citrus-peel oils—had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted wholly or in part for the articles; and in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted of water, lemon or lime juice, added citric acid—and in some lots, added citrus-peel oils: "DeLuxe Lime [or "Lemon"] Juice Pure Lime [or "Lemon"] Juice Blended with Oil of Lime