25264. Misbranding of potatoes. U. S. v. Ernest H. Wilson (E. H. Wilson). Plea of nolo contendere. Defendant placed on probation. (F. & D. no. 33939. Sample no. 69733-A.)

This case was based on an interstate shipment of potatoes which were below the represented grade and standard.

On March 12, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Wilson, trading as E. H. Wilson, Hastings, Fla., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 22, 1934, from the State of Florida into the State of New York, of a quantity of potatoes which were misbranded.

The potatoes, contained in sacks, were alleged to be misbranded in that the statement, "No. 1", borne on the sacks, was false and misleading, and in that by reason of said statement the potatoes were labeled so as to deceive and mislead the purchaser, since the statement represented that the potatoes were No. 1 grade potatoes, that is, meeting the standard required for U. S. No. 1 potatoes," whereas in fact the potatoes were of a lower grade and standard than U. S. No. 1 grade potatoes, on account of grade defects in excess of tolerances permitted for such grade of potatoes.

On October 11, 1935, defendant entered a plea of nolo contendere and the court placed defendant on probation for a period of 1 year.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25265. Adulteration of alfalfa leaf meal. U. S. v. Asa Strait and W. Myrlen Strait (Asa Strait & Son Milling Co.). Plea of guilty. Fine, $50. (F. & D. no. 33955. Sample nos. 19182-A, 19185-A.)

This case was based on interstate shipments of so-called alfalfa leaf meal which consisted in part of alfalfa meal.

On August 10, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Asa Strait and W. Myrlen Strait, trading as Asa Strait & Son Milling Co., Nashville, Mich., charging shipment by said defendants in violation of the Food and Drugs Act, on or about January 11 and March 20, 1934, from the State of Michigan into the State of Indiana, of quantities of alleged alfalfa leaf meal which was adulterated. The article in the two consignments was labeled, respectively, in part as follows: "Wolverine Brand Alfalfa Leaf Meal Guaranteed Analysis 100 Lbs. Net when Packed—Made Principally of Alfalfa Leaves, Crude Protein, 20% * * * Crude Fiber, Not more than 18% * * * Asa Strait & Son Milling Co. Nashville, Mich."; "100 Pounds Net No. 9147-C Alfalfa Leaf Meal * * * Rush City Mills Rushville Ind. Guaranteed Analysis Crude Protein, not less than 20.0% Crude Fiber, not more than 18.0% Ingredients: Alfalfa Leaf Meal."

The article in both of the two consignments was alleged to be adulterated in that a substance, alfalfa meal, had been substituted in part for alfalfa leaf meal which the article purported to be.

On September 14, 1935, the defendants entered pleas of guilty and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25266. Adulteration of tomato puree. U. S. v. Niagara County Preserving Corporation. Plea of guilty. Fine, $100. (F. & D. no. 33983. Sample nos. 12232-A, 62506-A.)

This case was based on an interstate shipment of a quantity of tomato puree which contained mold.

On April 26, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Niagara County Preserving Corporation, a corporation, Wilson, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about February 2, 1934, from the State of New York into the District of Columbia, of a quantity of tomato puree which was adulterated. The article was labeled: "Approval Brand Reg. U. S. Pat. Off. Approval on the Label Means Approval on the Table Quality Guaranteed Tomato Puree Contents 6 Pounds 8 Ounces Distributors M. E. Horton, Inc. Washington, D. C."

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

On October 21, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*