

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22876-22950

[Approved by the Secretary of Agriculture, Washington, D. C., February 20, 1935.]

22876. Adulteration and misbranding of potatoes. U. S. v. Leonard, Crosset & Riley, Inc. Pleas of guilty. Fines, \$300. (F. & D. nos. 29350, 29351, 29352. I. S. nos. 44794, 47294, 47751.)

These cases were based on shipments of potatoes which were labeled "U. S. Grade No. 1." Examination showed that the potatoes were below the grade specified because of excessive grade defects.

On December 29, 1932, May 10 and October 18, 1933, the United States attorney for the Eastern District of Michigan filed in the district court three informations against Leonard, Crosset & Riley, Inc., trading at Greenville, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 1, November 4, and December 1, 1931, from the State of Michigan into the States of Kentucky, West Virginia, and Ohio, respectively, of quantities of potatoes which were adulterated and misbranded. The article was labeled in part: "U. S. Grade No. 1 Good Luck Michigan Potatoes Leonard, Crosset & Riley Greenville, Mich."

The article was alleged to be adulterated in that potatoes of lower grade than United States grade Number One had been mixed and packed with and substituted for United States grade No. 1, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 * * * Potatoes", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were of a lower grade than United States No. 1.

On June 7, 1934, pleas of guilty were entered on behalf of the defendant company, and the court imposed a fine of \$100 on each of the three cases.

M. L. WILSON, *Acting Secretary of Agriculture.*

22877. Adulteration of apples. U. S. v. John D. Liles. Plea of guilty. Fine, \$5. (F. & D. no. 31395. Sample no. 17195-A.)

This case was based on an interstate shipment of apples that were found to bear excessive amounts of arsenic and lead.

On September 5, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John D. Liles, of Metz, Mo., trading at Bentonville, Ark., alleging shipment by said defendant, on or about September 30, 1932, from the State of Arkansas into the State of Missouri, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 5, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

22878. Adulteration of butter. U. S. v. Hill County Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 31401. Sample no. 37247-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against the Hill County Creamery Co., a corporation, Havre, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1933, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated.

It was alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On August 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22879. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 31410. Sample no. 19822-A.)

This case was based on an interstate shipment of cottonseed cake or meal that contained less protein and more fiber than declared on the label.

On August 14, 1934, 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 Chickasha Cotton Oil Co., a corporation, trading at Lawton, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 23, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded. The article was labeled in part: (Tag) "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein and more than 12 percent of crude fiber, namely, 40.94 percent of protein, and 13.09 percent of crude fiber.

On September 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22880. Adulteration and misbranding of brown wheat shorts. U. S. v. Model Mill Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31446. Sample nos. 14082-A, 14083-A, 14092-A, 18279-A, 18280-A.)

This case was based on interstate shipments of several lots of brown wheat shorts that contained less protein than declared on the label. Certain of the lots were deficient in fat, certain lots contained excessive fiber, and one lot contained added rice, rice bran, and starch.

On May 25, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Model Mill Co., a corporation, Jackson, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, September 26, November 26, and November 30, 1932, and January 27, 1933, from the State of Tennessee into the State of Mississippi, of quantities of brown wheat shorts which were misbranded, and one shipment of which was also adulterated. The article was labeled in part: "Model Brown Wheat Shorts With Ground Wheat Screenings, Manufactured by The Model Mill Company Jackson, Tennessee. Guaranteed Analysis Crude Protein, not less than 16.00%, Crude Fat, not less than 4.00% [or "3.75%"] * * * Ingredients Wheat Shorts, Ground Wheat Screenings."

One shipment of the article was alleged to be adulterated in that added undeclared substances, rice, rice bran, and starch, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding of all shipments was alleged for the reason that the statements, "Guaranteed Analysis Crude Protein, not less than 16.00%" with respect to all lots, the statements, "Crude Fibre, not more than 7.00%" with respect to certain lots, "Crude Fat, not less than 4.00% [or "3.75"]" with respect to certain lots, and "Ingredients: Wheat Shorts, Ground Wheat