FEED

4988. Adulteration and misbranding of alfalfa meal. U. S. v. 246 Sacks of Alfalfa Meal. Default decree of condemnation and destruction. Product relabeled and disposed of as feed. (F. D. C. No. 9426. Sample No. 27923-F.)

On February 24, 1943, the United States attorney for the Western District of Wisconsin filed a libel against 246 100-pound sacks of alfalfa meal at Phillips, Wis., alleging that the article had been shipped in interstate commerce on or about December 11, 1942, by the Tremaine Alfalfa Milling Co. from Mesa, Ariz.; and charging that it was adulterated and misbranded. It was labeled in part: (Tag) "Salt River Valley Brand Alfalfa Meal Guaranteed Analysis Crude Protein, not less than.... 13.0 per cent * * * Crude Fibre, not more than.... 33.0 per cent."

The article was alleged to be adulterated in that alfalfa stem meal had been substituted wholly or in part for alfalfa meal, which it purported and was represented to be.

It was alleged to be misbranded in that the name "Alfalfa Meal" was false and misleading as applied to alfalfa stem meal, and in that the statements, "Crude Protein, not less than 13.0 per cent * * * Crude Fibre, not more than 33.0 per cent," were false and misleading as applied to the article, since it contained less protein and more fibre than declared on the label.

On June 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. With the consent of the court, arrangements were made to dispose of the product as animal feed under proper labeling.

4989. Misbranding of alfalfa meal. U. S. v. Saunders Mills, Inc. Plea of nolo contendere. Fine, $305 and costs. (F. D. C. No. 8795. Sample Nos. 26485-F, 26486-F.)

On February 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Saunders Mills, Inc., Toledo, Ohio, alleging shipment on or about August 21 and 31, 1942, from the State of Ohio into the State of Maryland of quantities of alfalfa meal that was misbranded. The article was labeled in part: (Tag) "Carotene Brand Dehydrated Alfalfa Meal."

The article was alleged to be misbranded in that the statement, "Crude Protein not less than 17.0 Per Cent * * * Crude Fiber not more than 28.0 Per Cent," borne on the tag was false and misleading since it contained less than 17 percent of protein and more than 28 percent of crude fiber, the 2 shipments having been found to contain 14.83 and 16.63 percent, respectively, of crude protein, and 33.65 and 31.35 percent, respectively, of crude fiber.

On April 30, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $300 on the first count, $5 on the second count, and assessed costs of the proceeding.

4990. Adulteration and misbranding of animal and poultry feed. U. S. v. Consolidated Products Co. Plea of guilty. Fine, $150. (F. D. C. No. 6468. Sample Nos. 24697-E to 24699-E, incl.)

On September 29, 1942, the United States attorney for the Southern District of Ohio filed an information against the Consolidated Products Co., a corporation, Cincinnati, Ohio, alleging shipment on or about February 20, 1941, from the State of Ohio into the State of New Jersey of quantities of animal and poultry feed that was adulterated and misbranded. The articles were labeled in part: "Semi-Solid—'E'— Emulsion A Condensed Buttermilk Feed For (Poultry and Animals) * * * Vitamin D * * * 3,600 Units," "Mixer-Mulsion A Buttermilk Vitamin Product For Poultry and Animal Feed * * * Vitamin A * * * 80,000 Units Vitamin D * * * 10,890 Units," or "Semi-Solid Chick Emulsion A Condensed Buttermilk Feed for (Poultry and Animals) * * * Vitamin D * * * 1,800 Units."

The "Semi-Solid—'E'— Emulsion" was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 3,600 units of vitamin D per pound, whereas it contained not more than 3,000 units of vitamin D per pound. It was alleged to be misbranded in that the statement on the label "Minimum Analysis Per Pound * * * Vitamin D 3,600 Units" was false and misleading since it contained not more than 3,000 units of vitamin D per pound.

The "Mixer-Mulsion" was alleged to be adulterated in that valuable constituents, vitamins A and D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 80,000 units of vitamin A per pound and not less than 10,890 units of vitamin D per pound, whereas it contained not more than 61,690 units of vitamin A per pound and not more than 9,000 units of vitamin D per pound. It was alleged to be misbranded in that the statements, "Minimum Analysis Per Pound * * * Vitamin A 80,000 Units, Vitamin D 10,890 Units," were false and