

**20686. Adulteration and misbranding of shipstuff. U. S. v. Dan Valley Mills. Plea of guilty. Fine, \$5. (F. & D. no. 25712. I.S. nos. 038367, 038369, 038370.)**

This action was based on certain shipments of feed that contained less protein and a portion of which contained less fat than declared on the label.

On March 18, 1931, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Dan Valley Mills, a corporation, Danville, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 28, April 16, and April 22, 1930, from the State of Virginia into the State of North Carolina, of quantities of shipstuff that was adulterated and misbranded. The article was labeled in part: (Sack) "Pure Winter Wheat Shipstuff Dan Valley Mills, Danville, Va., Guaranteed Analysis: \* \* \* Fat 5.00% \* \* \* Protein 16.0%."

It was alleged in the information that the article was adulterated in that shipstuff having a protein content of less than 16 percent and a portion of which contained less than 5 percent of fat, had been substituted for shipstuff containing 16 percent of protein and 5 percent of fat.

Misbranding was alleged for the reason that certain statements in the labeling, namely, "Guaranteed Analysis: \* \* \* Protein 16.0%", with respect to a portion, and "Guaranteed Analysis: Protein 16.0%" and "Fat 5.00%", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 16 percent of protein, and a portion contained less than 5 percent of fat.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

**20687. Adulteration of apples. U. S. v. 156 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29941. Sample no. 18047-A.)**

This case involved an interstate shipment of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On or about December 15, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 156 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about November 23, 1932, by the Pacific Fruit & Produce Co., from Yakima, Wash., to Billings, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which rendered it injurious to health.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

**20688. Adulteration of apples. U. S. v. 39 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29730. Sample no. 18042-A.)**

This case involved an interstate shipment of apples that bore arsenate of lead in an amount that might have rendered them injurious to health.

On November 25, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 39 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about November 8, 1932, by Skookum Packers, from Wenatchee, Wash., into the State of Montana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Spitzenberg \* \* \* Skookum Mountain Goat Brand Wenatchee Apples Skookum Packers Association, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered it injurious to health.