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PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
 (July 1, 1952, to June 30, 1953) (308-360)

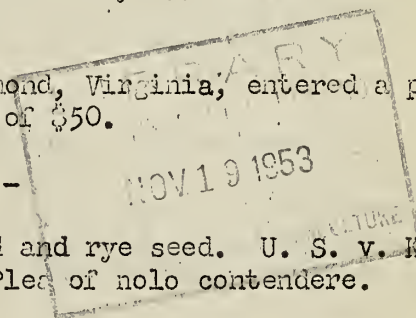
308. False labeling of corn seed. U. S. v. T. W. Wood & Sons, Richmond, Virginia. Plea of nolo contendere. Fine, \$50. (FS 576)

T. W. Wood & Sons, Richmond, Virginia, on January 5, 1950, delivered for transportation in interstate commerce from Richmond, Virginia, to Andalusia, Alabama, 25 bags of corn seed.

Information was filed in the District Court of the United States for the Eastern District of Virginia alleging that T. W. Wood & Sons, Richmond, Virginia, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in February 1950 was found to have a germination of 62 percent.

On April 10, 1953, T. W. Wood & Sons, Richmond, Virginia, entered a plea of nolo contendere and the court imposed a fine of \$50.



309. False labeling of crimson clover seed and rye seed. U. S. v. Kuhlke Seed & Grain Company, Inc., Augusta, Georgia. Plea of nolo contendere. Fine, \$50 and 2 years' probation. (FS 606)

Kuhlke Seed & Grain Company, Inc., Augusta, Georgia, on September 22, 1949, and November 15, 1949, transported and delivered for transportation in interstate commerce from Augusta, Georgia, to Phenix City, Alabama, and Madison, Florida, 2 bags of crimson clover seed and 16 bags of rye seed, respectively.

Information was filed in the District Court of the United States for the Southern District of Georgia alleging that the Kuhlke Seed & Grain Company, Inc., Augusta, Georgia, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of crimson clover seed represented the seed to have a germination of 75 percent and 15 percent hard seed or a total germination and hard seed percentage of 90; whereas, this seed when tested in October 1949 was found to have a germination of 47 percent and no hard seed.

Labels attached to the bags of rye seed represented the seed to have a germination of 85 percent and to contain the noxious-weed seeds, corncockle and

onion, each at the rate of 5 per pound; whereas, the seed when tested in February 1950 was found to have a germination of 12 percent and to contain the noxious-weed seed, cheat, at the rate of 64 per pound.

On April 6, 1953, Kuhlke Seed & Grain Company, Inc., Augusta, Georgia, entered a plea of nolo contendere and the court imposed a fine of \$25 on each of two counts and placed the defendant on probation for 2 years.

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310. False labeling of alfalfa seed, U. S. v. 25 bags of alfalfa seed. Seed seized and released to claimant who paid \$375 for failure to comply with court order. (FS 621)

Standard Seed Company, Des Moines, Iowa, on March 31, 1951, delivered for transportation in interstate commerce from Spencer, Iowa, to Windom, Minnesota, 25 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the State of Minnesota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Montana origin; whereas, the seed was found to be not wholly of Montana origin but to contain seed of Southwestern United States origin. The seed was seized by the United States marshal.

Standard Seed Company, Des Moines, Iowa, appeared as claimant and took possession of the seed under bond with the provision that the seed would be correctly labeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture. The seed was disposed of by the claimant without having it relabeled under the supervision of a representative of the U. S. Department of Agriculture. Action by the court resulted in a judgment of \$375 against the claimant in settlement of the bond.

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311. False labeling of Chewings fescue seed and Kentucky bluegrass seed. U. S. v. J. Oliver Johnson Seed Company, Inc., Chicago, Illinois. Plea of nolo contendere. Fine, \$50 plus costs. (FS 645)

J. Oliver Johnson Seed Company, Inc., Chicago, Illinois, on October 5, 1949, and June 9, 1950, delivered for transportation in interstate commerce from Chicago, Illinois, to Detroit, Michigan, one bag of Chewings fescue seed and five bags of Kentucky bluegrass seed, respectively.

Information was filed in the District Court of the United States for the Northern District of Illinois alleging that the J. Oliver Johnson Seed Company, Inc., Chicago, Illinois, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

A label attached to the bag of Chewings fescue seed represented the seed to have a germination of 85 percent; whereas, the seed when tested in November 1949 was found to have a germination of 52 percent.

Labels attached to the bags of Kentucky bluegrass seed represented the seed to have a germination of 80 percent; whereas, one bag of this seed when tested in August 1950 was found to have a germination of 54 percent and one bag of the seed when tested in September 1950 was found to have a germination of 59 percent.

On October 20, 1952, J. Oliver Johnson Seed Company, Inc., Chicago, Illinois, entered a plea of nolo contendere and the court imposed a fine of \$25 on each of two counts plus costs.

312. False labeling of sweetclover seed. Excessive noxious-weed seeds. U. S. v. two bags of sweetclover seed. Seed seized and destroyed. (FS 658)

Murphey's Seed Store, Klamath Falls, Oregon, on November 15, 1951, delivered for transportation in interstate commerce from Klamath Falls, Oregon, to Alturas, California, two bags of sweetclover seed.

A libel was filed in the District Court of the United States for the Northern District of California praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain Canada thistle seeds at the rate of 72 per pound. Canada thistle seeds are considered primary noxious-weed seeds in the State of California. Agricultural seed containing primary noxious-weed seeds is prohibited from sale in the State of California and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On August 15, 1952, no claimant having appeared, the court ordered the seed destroyed.

313. False labeling of garden bean seed. United States v. F. H. Woodruff & Sons, Inc., Atlanta, Georgia. Plea of nolo contendere. Fine, \$250. (FS 659)

F. H. Woodruff & Sons, Inc., Atlanta, Georgia, on September 14, 1949, shipped from Jerome, Idaho, through Atlanta, Georgia, to Pompano Beach, Florida, 100 bags of garden bean seed.

Information was filed in the District Court of the United States for the Northern District of Georgia alleging that F. H. Woodruff & Sons, Inc., Atlanta, Georgia, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 93 percent; whereas, the seed when tested in November 1949 was found to have a germination of 75 percent.

On August 11, 1952, F. H. Woodruff & Sons, Inc., Atlanta, Georgia, entered a plea of nolo contendere and the court imposed a fine of \$250.

314. False labeling of alfalfa seed. U. S. v. Windheim Seed Company, Omaha, Nebraska. Plea of nolo contendere. Fine, \$2,000. (FS 661)

Windheim Seed Company, Omaha, Nebraska, between November 5, 1950, and April 19, 1951, delivered for transportation in interstate commerce from Omaha and Grand Island, Nebraska, to 11 different dealers in the State of Iowa, 645 bags (38,700 pounds) of alfalfa seed.

Information was filed in the District Court of the United States for the District of Nebraska alleging that Henry G. Windheim, Jr., trading as the Windheim Seed Company, Omaha, Nebraska, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying these shipments of seed represented the seed to be of Nebraska origin; whereas, the seed was not Nebraska origin but was of Arizona origin.

On July 2, 1952, Henry G. Windheim, Jr., trading as the Windheim Seed Company, Omaha, Nebraska, entered a plea of nolo contendere and the court imposed a fine of \$500 on each of four counts or a total of \$2,000.

315. False labeling of alfalfa seed and timothy seed. U. S. v. Stoller's Seed House & Elevator, Paulding, Ohio. Plea of guilty on 4 counts. Plea of nolo contendere on 16 counts. Fine, \$10,000 of which \$3,000 was suspended. (FS 662)

Stoller's Seed House & Elevator, Paulding, Ohio, between September 28, 1950, and March 16, 1951, shipped to various seed dealers in New York, Indiana, Michigan, Minnesota, Wisconsin, and Ohio, 2,165 bags of alfalfa seed. Stoller's Seed House & Elevator, Paulding, Ohio, on May 17, 1950, transported in interstate commerce from Paulding, Ohio, to Reed City, Michigan, five bags of timothy seed.

Information was filed in the District Court of the United States for the Northern District of Ohio alleging that M. G. Stoller, trading as Stoller's Seed House & Elevator, Paulding, Ohio, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

The alfalfa seed contained in the above-identified shipments consisted of 83 bags represented to be of Michigan origin, the balance being represented to be of Canadian origin; whereas, the seed consisted, in part, of alfalfa seed of Southwestern United States origin, which was not indicated in the labeling.

The timothy seed was represented to consist, in part, of 99.37 percent pure seed, 0.21 percent inert matter, and 0.17 percent weed seed; whereas, the seed was found to consist, in part, of 97.30 percent pure seed, 1.45 percent inert matter, and 0.85 percent weed seed. In addition, the labels attached to the bags failed

to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 315 per pound.

Two counts involved the failure to keep a complete record of the purity and origin of the seed involved in the other 18 counts as required under section 202 of the Federal Seed Act.

On November 17, 1952, M. G. Stoller, trading as Stoller's Seed House & Elevator, Paulding, Ohio, entered a plea of guilty to 4 counts and a plea of nolo contendere to 16 counts. The court assessed a fine of \$500 on each of 20 counts and suspended the fine on 16 counts.

316. False labeling of ryegrass seed. U. S. v. Northrup, King & Company, Inc., Albany, Oregon. Plea of guilty. Fine, \$100. (FS 667)

Northrup, King & Company, Inc., Albany, Oregon, on September 27, 1950, delivered for transportation in interstate commerce from Halsey, Oregon, to North Little Rock, Arkansas, 40 bags of ryegrass seed.

Information was filed in the District Court of the United States for the District of Oregon alleging that Northrup, King & Company, Inc., Albany, Oregon, did unlawfully deliver for transportation in interstate commerce from Halsey, Oregon, the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags bore, in part, the statement "Noxious Weeds None"; whereas, this seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 135 per pound.

On December 19, 1952, Northrup, King & Company, Inc., Albany, Oregon, entered a plea of guilty and the court imposed a fine of \$50 on each of two counts.

317. False labeling of alfalfa seed. U. S. v. 10 bags of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 669)

George P. Sexauer & Son, Brookings, South Dakota, on January 31, 1952, transported in interstate commerce from Brookings, South Dakota, to Lakefield, Minnesota, 10 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Montana origin; whereas, the seed was found, in part, to be of Southwestern United States origin. The seed was seized by the United States marshal.

On October 13, 1952, the seed was relabeled to comply with the Federal Seed Act in compliance with the court order to show the seed to be of Southwestern United States and Montana origin — percentages unknown.

318. Detaching labels and failure to label alfalfa seed. U. S. v. Carl J. Skogman, Constance, Minnesota. Plea of guilty. Fine, \$100. (FS 671)

Carl J. Skogman, Constance, Minnesota, on February 14, 1951, delivered for transportation in interstate commerce from Ransom County, North Dakota, to a trucker from Frazee, Minnesota, 14,039 pounds of alfalfa seed.

Information was filed in the District Court of the United States for the District of North Dakota alleging that Carl J. Skogman did unlawfully detach labels from the bags and thereafter deliver for transportation in interstate commerce the above-mentioned seed in violation of the Federal Seed Act.

On January 21, 1951, labels attached to bags containing at least 14,039 pounds of alfalfa seed shipped from California to Enderlin, North Dakota, were removed prior to reshipment on February 14, 1951, to Detroit Lakes, Frazee, Vergas, and Moorhead, Minnesota, in order to defeat the purpose of the Federal Seed Act.

On September 11, 1952, Carl J. Skogman, Constance, Minnesota, entered a plea of guilty and the court imposed a fine of \$100.

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319. False labeling of common Sudan grass seed. U. S. v. Martin-Lane Company, Vernon, Texas. Plea of nolo contendere. Fine, \$300. (FS 674)

Martin-Lane Company, Vernon, Texas, on April 6, 1951, transported in interstate commerce from Vernon, Texas, to Davidson, Oklahoma, 19 bags of common Sudan grass seed.

Information was filed in the District Court of the United States for the Northern District of Texas alleging that W. N. Martin, trading as the Martin-Lane Company, Vernon, Texas, did unlawfully transport in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 87 percent; whereas, the seed when tested in May 1951 was found to have a germination of 62 percent.

On November 17, 1952, W. N. Martin, trading as the Martin-Lane Company, Vernon, Texas, entered a plea of nolo contendere and the court imposed a fine of \$300.

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320. False labeling of lespedeza seed. U. S. v. Casement Grain & Seed Company, Sedan, Kansas. Plea of guilty. Fine \$50 and costs. (FS 675)

Casement Grain & Seed Company, Sedan, Kansas, on March 8, 1951, transported in interstate commerce from Sedan, Kansas, to Tulsa, Oklahoma, 11 bags of lespedeza seed.

Information was filed in the District Court of the United States for the District of Kansas alleging that Manley A. Casement, trading as the Casement Grain & Seed Company, Sedan, Kansas, did unlawfully transport in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 99 percent pure seed and 0.67 percent weed seed; whereas, the seed was found to consist, in part, of 96.15 percent pure seed and 3.25 percent weed seed.

On January 20, 1953, Stanley A. Casement, trading as Casement Grain & Seed Company, Sedan, Kansas, entered a plea of guilty and the court imposed a fine of \$50 and costs.

321. False labeling of bromegrass seed. U. S. v. Northwestern Seed Company, Inc., Keokuk, Iowa. Plea of nolo contendere. Fine \$75 and \$37.40 costs. (FS 676)

Northwestern Seed Company, Inc., Keokuk, Iowa, on January 12, 1951, delivered for transportation in interstate commerce from Keokuk, Iowa, to Brookfield, Missouri, six bags of bromegrass seed.

Information was filed in the District Court of the United States for the Southern District of Iowa alleging that the Northwestern Seed Company, Inc., Keokuk, Iowa, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found in April 1951 to have a germination of 2 percent.

On October 27, 1952, Northwestern Seed Company, Inc., Keokuk, Iowa, entered a plea of nolo contendere and the court imposed a fine of \$75 and \$37.40 costs.

322. Incomplete labeling of oat seed. Excessive noxious-weed seeds. U. S. v. 85 bags, more or less, of oat seed. One hundred and ten bags of seed seized and ground for use as feed. (FS 679)

Arnold Ahlberg, Crystal Falls, Michigan, on March 5, 1952, delivered for transportation in interstate commerce from Iron River, Michigan, to Chicago, Illinois, 700 bags of oat seed. Gateway Seed Company, Fargo, North Dakota, on March 11, 1952, shipped 250 bags of said oat seed to Peoria, Illinois.

A libel was filed in the District Court of the United States for the Southern District of Illinois praying seizure of 85 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags did not indicate the presence of noxious-weed seeds; whereas, the seed was found to contain quackgrass seeds at the rate of 39 per pound. Agricultural seed containing quackgrass seeds at a rate in excess of 1 to 1,000 agricultural seeds or approximately 13 quackgrass seeds per pound is prohibited from sale in the State of Illinois and therefore is prohibited from shipment into that State under the Federal Seed Act. One hundred and ten bags of the seed were seized by the United States marshal.

On September 4, 1952, 110 bags of the seed were ground for feed under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

323. Incomplete labeling of lespedeza seed, mixed agricultural seed, and bromegrass seed, U. S. v. Berry Seed Company, Inc., Clarinda, Iowa. Plea of nolo contendere. Fine, \$2,400 (FS 680)

Berry Seed Company, Inc., Clarinda, Iowa, on January 4 and 5, 1951, delivered for transportation in interstate commerce from Clarinda, Iowa, to Oklahoma City, Oklahoma, a total of 1,000 bags of lespedeza seed in five separate lots. On January 24, 1951, the Berry Seed Company, Inc., delivered for transportation in interstate commerce from Clarinda, Iowa, to Crothersville, Indiana, one bag of mixed agricultural seed. On February 7, 1951, the Berry Seed Company, Inc., delivered for transportation in interstate commerce from Clarinda, Iowa, to Medford, Minnesota, four bags of bromegrass seed.

Information was filed in the District Court of the United States for the Southern District of Iowa alleging that the Berry Seed Company, Inc., Clarinda, Iowa, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of lespedeza seed in all five lots failed to indicate the presence of noxious-weed seeds. The seed in 500 bags was found to contain the noxious-weed seeds, dodder, horsenettle, and bracted plantain at the rate of 162, 72, and 63 per pound, respectively. The seed in 302 bags was found to contain the noxious-weed seeds, dodder and horsenettle, at the rate of 81 and 27 per pound, respectively. The seed in 160 bags was found to contain the noxious-weed seed, horsenettle, at the rate of 72 per pound. The seed in 36 bags was found to contain the noxious-weed seed, horsenettle, at the rate of 45 per pound. The seed in two bags was found to contain the noxious-weed seeds, horsenettle, dodder, and bracted plantain, at the rate of 243, 54, and 36 per pound, respectively.

A label attached to the bags of mixed agricultural seed failed to indicate the presence of the noxious-weed seeds, dodder and bitter wintercress; whereas, the seed was found to contain dodder and bitter wintercress seeds at the rate of 36 and 54 per pound, respectively.

Labels attached to the bags of bromegrass seed represented the seed to have a germination of 85 percent and failed to indicate the presence of noxious-weed seeds; whereas, the seed when tested in July 1951 was found to have a germination of 48 percent and was found to contain the noxious-weed seed, quackgrass, at a rate of from 36 to 72 per pound.

On September 2, 1952, Berry Seed Company, Clarinda, Iowa, entered a plea of nolo contendere and the court imposed a fine of \$500 on each of three counts, \$300 on one count and \$200 on each of three counts, or a total of \$2,400.

324. False labeling of alfalfa seed. U. S. v. Cargill, Inc., Minneapolis, Minnesota. Plea of nolo contendere on 10 counts. Thirty-nine counts dismissed. Fine, \$5,000. (FS 681)

Cargill, Inc., Minneapolis, Minnesota, on October 31 and November 14, 1950, and January 10, 11 and 15, 1951, delivered for transportation in interstate commerce from Custer, Montana, and Sisseton, South Dakota, to Minneapolis, Minnesota, and from Minneapolis, Minnesota, to various points in Iowa, various quantities of alfalfa seed.

Information was filed in the District Court of the United States for the District of Minnesota alleging that Cargill, Inc., Minneapolis, Minnesota, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying the shipment of 429 bags of alfalfa seed from Custer, Montana, to Minneapolis, Minnesota, represented the seed to be of Montana origin. Labeling accompanying the shipment of 24,015 pounds of alfalfa seed from Sisseton, South Dakota, to Minneapolis, Minnesota, represented the seed to be of South Dakota origin. Seven shipments totaling 65 bags of alfalfa seed shipped to Iowa were represented to be of Montana origin. The seed in each shipment was found to be wholly, or in part, of California origin.

On March 16, 1953, Cargill, Inc., Minneapolis, Minnesota, entered a plea of nolo contendere and the court imposed a fine of \$500 on each of 10 counts or a total of \$5,000. Thirty-nine additional counts alleging shipment from Montana to Minneapolis of 2,937 bags and shipment of 690 bags to 28 farmers and retail dealers in Iowa and South Dakota were dismissed by the court. It had been alleged that this additional alfalfa seed was likewise falsely labeled as to origin.

325. Incomplete labeling of oat seed. Excessive noxious-weed seeds. U. S. v. 41 bags of oat seed. Twenty-nine bags of seed seized and given to a public institution. (FS 682)

Arnold Alhberg, Crystal Falls, Michigan, on March 5, 1952, delivered for transportation in interstate commerce from Iron River, Michigan, to Chicago, Illinois, 700 bags of oat seed.

A libel was filed in the District Court of the United States for the Northern District of Illinois praying seizure of 41 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, 29 bags of the seed were found to contain the noxious-weed seed, quackgrass, at the rate of 39 per pound and 12 bags of the seed were found to contain quackgrass seeds at the rate of 12 per pound. Agricultural seed containing quackgrass seeds at a rate in excess of 1 to 1,000 agricultural seeds or approximately 13 quackgrass seeds per pound is prohibited from sale in the State of Illinois and therefore is prohibited from shipment into that State under the Federal Seed Act. Twenty-nine bags of the seed were seized by the United States marshal.

On September 22, 1952, no claimant having appeared, the court ordered the seed released to a public institution for use as animal feed.

326. False labeling of cottonseed. U. S. v. 10 bags of cottonseed. Seed seized and ordered destroyed. (FS 686)

The Sinkers Corporation, Kennett, Missouri, on February 19, 1952, delivered for transportation in interstate commerce from Kennett, Missouri, to Foley, Alabama, 260 bags of cottonseed. Riemers Company, Foley, Alabama, on February 25, 1952, shipped to Mt. Olive, Mississippi, 10 bags of said cottonseed.

A libel was filed in the District Court of the United States for the Southern District of Mississippi praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in March 1952 was found to have a germination of 49 percent. The seed was seized by the United States marshal.

On August 19, 1952, no claimant having appeared, the court ordered the seed destroyed.

327. False labeling of peanut seed. U. S. v. 18 bags of peanut seed. Seed seized and ordered destroyed. (FS 689)

Pender Peanut Company, Greenwood, Florida, on April 24, 1952, delivered for transportation in interstate commerce from Greenwood, Florida, to Arton, Alabama, 10,000 pounds of peanut seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 18 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in May 1952 was found to have a germination of 45 percent. The seed was seized by the United States marshal.

On July 22, 1952, no claimant having appeared, the court ordered the seed destroyed.

328. False labeling of peanut seed. U. S. v. 19 bags of peanut seed. Seed seized and ordered destroyed. (FS 691)

Pender Peanut Company, Greenwood, Florida, on April 24, 1952, delivered for transportation in interstate commerce from Greenwood, Florida, to Ozark, Alabama, 5,000 pounds of peanut seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 19 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of "90% or better"; whereas, the seed when tested in May 1952 was found to have a germination of 42 percent. The seed was seized by the United States marshal.

On July 22, 1952, no claimant having appeared, the court ordered the seed destroyed.

329. Incomplete labeling of oat seed. Excessive noxious-weed seeds. U. S. v. 42 bags of oat seed. Seed seized and ground into feed. (FS 692)

Gateway Seed Company, Inc., Fargo, North Dakota, on March 5, 1952, had delivered for transportation in interstate commerce from Republic, Michigan, to Waterloo, Iowa, 810 bags of oat seed from where 17 bags were delivered to a farmer at Alexandria, Iowa, and 25 bags to two farmers in Latimer, Iowa.

A libel was filed in the District Court of the United States for the Northern District of Iowa praying seizure of 42 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds. Seventeen bags of the seed shipped to Alexandria, Iowa, were found to contain quackgrass seeds at the rate of 180 per pound. Twenty bags of the seed shipped to Latimer, Iowa, were found to contain quackgrass seeds at the rate of 16 per pound. Five bags of the seed shipped to Latimer, Iowa, were found to contain quackgrass seeds at the rate of 198 per pound. Quackgrass seeds are considered primary noxious-weed seeds in the State of Iowa. Agricultural seed containing any primary noxious-weed seeds is prohibited from sale in the State of Iowa and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On September 30, 1952, the seed was ground into feed under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

330. False labeling of common Sudan grass seed. Excessive noxious-weed seeds. U. S. v. Martin-Lane Company, Vernon, Texas. Plea of nolo contendere. Fine, \$250 (FS 693)

Martin-Lane Company, Vernon, Texas, on April 5, 1951, delivered for transportation in interstate commerce from Vernon, Texas, to Temple, Oklahoma, 20 bags of common Sudan grass seed.

Information was filed in the District Court of the United States for the Northern District of Texas alleging that W. N. Martin, trading as the Martin-Lane Company, Vernon, Texas, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 98.06 percent pure seed and 0.02 percent weed seed and to contain the noxious-weed seed, Johnson grass, at the rate of 14 per pound; whereas, the seed was found to consist, in part, of 94.78 percent pure seed, and 3.44 percent weed seed and to contain Johnson grass seeds at the rate of 4,066 per pound. Agricultural seed containing in excess of 100 Johnson grass seeds per pound is prohibited from sale in the State of Oklahoma and therefore is prohibited from shipment into that State under the Federal Seed Act.

On November 17, 1952, W. N. Martin, trading as the Martin-Lane Company, Vernon, Texas, entered a plea of nolo contendere and the court imposed a fine of \$250.

331. False labeling of cowpea seed and failure to keep a complete record. U. S. v. Valda Wooten, McRae, Georgia. Plea of guilty. Fine, \$25 (FS 694)

Valda Wooten, McRae, Georgia, on February 26, 1951, delivered for transportation in interstate commerce from McRae, Georgia, to Foley, Alabama, four bags of cowpea seed.

Information was filed in the District Court of the United States for the Southern District of Georgia alleging that Valda Wooten, McRae, Georgia, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act and did fail to keep for a period of 3 years a complete record of said lot of cowpea seed as required under the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in March 1951 was found to have a germination of 48 percent. In addition, Valda Wooten failed to keep for a period of 3 years a complete record of said lot of cowpea seed and on or about November 15, 1951, did not make available for inspection by a duly authorized representative of the Secretary of Agriculture a complete record as required under the Federal Seed Act.

On January 19, 1953, Valda Wooten, McRae, Georgia, entered a plea of guilty and the court imposed a fine of \$25.

332. False labeling of cowpea seed. U. S. v. H. M. Franklin Company, Tennille, Georgia. Plea of nolo contendere. Fine, \$300. (FS 695)

H. M. Franklin & Company, Tennille, Georgia, on February 5, 1951, delivered for transportation in interstate commerce from Marshalville, Georgia, to Foley, Alabama, 15 bags of cowpea seed.

Information was filed in the District Court of the United States for the Middle District of Georgia alleging that Graham Franklin, trading as H. M. Franklin, Tennille, Georgia, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in March 1951 was found to have a germination of 39 percent.

On January 19, 1953, Graham Franklin, trading as H. M. Franklin & Company, Tennille, Georgia, entered a plea of nolo contendere and the court imposed a fine of \$300.

333. False and incomplete labeling of rye seed, buckwheat seed and corn seed. Excessive noxious-weed seeds. U. S. v. William G. Scarlett & Company, Baltimore, Maryland. Plea of guilty. Fine, \$150. (FS 696)

William G. Scarlett & Company, Baltimore, Maryland, on March 2, April 19, and April 24, 1951, delivered for transportation in interstate commerce from Baltimore, Maryland, to Winchester and Worcester, Massachusetts, a total of 19 bags of rye seed. On April 6, 1951, the firm shipped five bags of buckwheat seed from Baltimore, Maryland, to Winchester, Massachusetts. On May 9, 1951, this firm shipped from Baltimore, Maryland, to Middleboro, Massachusetts, five bags of corn seed.

Information was filed in the District Court of the United States for the District of Maryland alleging that William G. Scarlett & Company, Baltimore, Maryland, did unlawfully deliver for transportation in interstate commerce the above-mentioned seed in violation of the Federal Seed Act.

Labels attached to 17 bags of rye seed represented the seed to contain the noxious-weed seed, corncockle, at the rate of 20 per pound and did not indicate the presence of noxious-weed seed, quackgrass. Labels attached to two bags of rye seed did not indicate the presence of noxious-weed seeds. All three of the shipments of rye seed were found to contain quackgrass seeds at the rate of from 9 to 67 per pound and two of the shipments were found to contain corncockle seeds at a rate of from 80 to 93 per pound. All three shipments were prohibited from sale in the State of Massachusetts because of the presence of quackgrass seeds and therefore the seed was prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags of buckwheat seed represented the seed to have a germination of 85 percent; whereas, the seed when tested in June 1951 was found to have a germination of 57 percent.

Labels attached to the bags of corn seed represented the seed to have a germination of 80 percent; whereas, the seed when tested in June 1951 was found to have a germination of 65 percent.

On June 19, 1953, William G. Scarlett & Company, Baltimore, Maryland, entered a plea of guilty and the court imposed a fine of \$150.

334. Offering for sale and selling for interstate shipment oat seed falsely advertised. U. S. v. Hy-Yield Seed Grain Company, St. Paul, Minnesota. Plea of guilty on one count. Seven counts dismissed. Fine, \$25. (FS 698)

Hy-Yield Seed Grain Company, St. Paul, Minnesota, on January 5, 1951, through its salesman advertised oat seed and offered and sold for interstate shipment said seed.

Information was filed in the District Court of the United States for the District of South Dakota, alleging that Robert B. Babbitt trading as the Hy-Yield Seed Grain Company, St. Paul, Minnesota, did unlawfully offer for sale and sell said seed after falsely advertising the seed in violation of the Federal Seed Act.

The Mohawk variety of oat seed was advertised by salesmen to have an extremely deep root system which afforded it special resistance to drought; whereas, the statement was false.

On March 20, 1953, Robert B. Babbitt, trading as the Hy-Yield Seed Grain Company, St. Paul, Minnesota, entered a plea of guilty to one count and the court imposed a fine of \$25. Seven counts involving similar sales and various representations alleged to be false were dismissed by the court.

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335. Incomplete labeling of fescue seed. Excessive noxious-weed seeds. U. S. v. 68 bags of fescue seed. Seed seized, cleaned, and relabeled to comply with the Federal Seed Act. (FS 699)

Farmers Elevator Company, Franklin, Kentucky, on July 19, 1952, delivered for transportation in interstate commerce from Franklin, Kentucky, to Madison, Georgia, 321 bags of fescue seed. Pennington Grain & Seed Company, Madison, Georgia, on July 23, 1952, shipped to Evergreen, Alabama, 68 bags of said seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging 68 bags of said seed to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, sheep sorrel and curly dock, at the rate of 1,242 and 27 per pound, respectively. The sale of seed containing in excess of 500 of these noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On April 10, 1953, the seed was cleaned and relabeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

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336. False labeling of rye seed. U. S. v. M. F. A. Milling Company, Inc., Springfield, Missouri. Plea of nolo contendere. Fine, \$50. (FS 701)

M. F. A. Milling Company, Inc., Springfield, Missouri, on September 17, 1951, delivered for transportation in interstate commerce from Springfield, Missouri, to the Arkansas Farmers Association, North Little Rock, Arkansas, 18 bags of rye seed.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that the M. F. A. Milling Company, Inc., Springfield, Missouri, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in November 1951 was found to have a germination of 50 percent.

On March 13, 1953, the M. F. A. Milling Company, Inc., Springfield, Missouri, entered a plea of nolo contendere and the court imposed a fine of \$50.

337. False labeling of alyce clover seed. U. S. v. E. R. Bailey's Sons, Ocala, Florida. Plea of nolo contendere. Fine, \$400. (FS 702)

E. R. Bailey's Sons, Ocala, Florida, on April 16, 1951, delivered for transportation in interstate commerce from Ocala, Florida, to Foley, Alabama, 66 bags of alyce clover seed.

Information was filed in the District Court of the United States for the Southern District of Florida alleging that C. V. Bailey and E. S. Bailey, trading as E. R. Bailey's Sons, Ocala, Florida, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 66.50 percent and 22.75 percent hard seed; whereas, the seed when tested in June 1951 was found to have no germination and 19 percent hard seed remaining.

On April 10, 1953, C. V. Bailey and E. S. Bailey, trading as E. R. Bailey's Sons, Ocala, Florida, entered a plea of nolo contendere and the court imposed a fine of \$200 on each defendant, or a total fine of \$400.

338. Incomplete labeling of orchard grass seed and oat seed. Excessive noxious-weed seeds. U. S. v. Belt Seed Company, Inc., Baltimore, Maryland. Plea of guilty. Fine \$50 and costs. (FS 703)

The Belt Seed Company, Inc., Baltimore, Maryland, on February 20, 1951, delivered for transportation in interstate commerce from Baltimore, Maryland, to Ellins, West Virginia, five bags of orchard grass seed. This firm on April 3, 1951, shipped to Haiden Creek, Pennsylvania, 80 bags of oat seed and on the same date shipped to Fleetwood, Pennsylvania, 167 bags of oat seed.

Information was filed in the District Court of the United States for the District of Maryland alleging that the Belt Seed Company, Inc., Baltimore, Maryland, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of orchard grass seed failed to indicate the presence of the noxious-weed seed, oxeye daisy; whereas, the seed was found to contain the noxious-weed seed, oxeye daisy, at the rate of 41 per ounce. Labels attached to the bags of oat seed in two shipments failed to indicate the presence of the noxious-weed seed, quackgrass; whereas, the 80 bags of oat seed shipped to Maiden Creek, Pennsylvania, were found to contain quackgrass seeds at the rate of 33 per pound and the 28 bags of oat seed shipped to Fleetwood, Pennsylvania, were found to contain quackgrass seeds at the rate of 38 per pound. Agricultural seed containing quackgrass seeds is prohibited from sale in the State of Pennsylvania and therefore is prohibited from shipment into that State under the Federal Seed Act.

On May 22, 1953, the Belt Seed Company, Inc., Baltimore, Maryland, entered a plea of guilty and the court imposed a fine of \$50 and costs.

339. False labeling of alfalfa seed. U. S. v. Okerlund Seed Company, Sisseton, South Dakota. Plea of guilty. Fine, \$500. (FS 704)

Okerlund Seed Company, Sisseton, South Dakota, on October 31, 1950, and December 5, 1950, delivered for transportation in interstate commerce from Sisseton, South Dakota, to Minneapolis, Minnesota, 24,015 pounds and 19,787 pounds of alfalfa seed. This firm on October 31, 1950, November 4, 1950, and November 14, 1950, sold to a local buyer at Lake City, South Dakota, acting for a firm in Kansas City, Missouri, three lots of alfalfa seed totaling 13,107 pounds.

Information was filed in the District Court of the United States for the District of South Dakota alleging that C. A. Okerlund, trading as the Okerlund Seed Company, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying the shipments of seed in the form of grower's declarations of origin and shipper's declarations of origin represented the seed to be of South Dakota origin; whereas, the seed was found to be of California origin.

On May 14, 1953, C. A. Okerlund, trading as the Okerlund Seed Company, Sisseton, South Dakota, entered a plea of guilty and the court imposed a fine of \$100 on each of five counts. Criminal charges filed against two truckers, who transported the three lots of seed from Sisseton, South Dakota, to Lake City, South Dakota, and signed grower's declarations stating that the seed was of South Dakota origin, were dismissed by the court.

340. Incomplete labeling of rye seed. U. S. v. 500 bags, more or less, of rye seed. Seed seized and ground for feed. (FS 705)

Purcell Seed Company, Purcell, Oklahoma, on August 26, 1952, delivered for transportation in interstate commerce from Purcell, Oklahoma, to Knoxville, Tennessee, 600 bags of rye seed.

A libel was filed in the District Court of the United States for the Eastern District of Tennessee praying seizure of 500 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

No labels were attached to the bags showing the detailed information required under the Federal Seed Act. The seed was found to contain Johnson grass seeds at the rate of 25 per pound. Johnson grass seeds are considered noxious-weed seeds in the State of Tennessee. Four hundred and seventy-three bags of this seed were seized by the United States marshal.

On April 8, 1953, the seed was ground for feed under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

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341. False labeling of oat seed. U. S. v. 174 bags of oat seed. Seed seized and ordered destroyed or released to a charitable institution to be used for feed. (FS 706)

Quaker Oats Company, Greenville, Mississippi, on September 10, 1952, transported in interstate commerce from Greenville, Mississippi, to Aliceville, Alabama, 234 bags of oat seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in October 1952 was found to have a germination of 57 percent. The seed was seized by the United States marshal.

On December 1, 1952, the court ordered that the seed be released to a charitable institution to be used for feed providing it contained no poisonous chemicals or that it be destroyed if such chemicals were contained therein.

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342. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. 53 bags of ryegrass seed. Seed cleaned and relabeled to comply with the Federal Seed Act. (FS 707)

Northrup, King & Company, Berkeley, California, on August 30, 1952, had delivered for transportation in interstate commerce from Corvallis, Oregon, to Evergreen, Alabama, 316 bags of ryegrass seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 53 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds. A sample representing 10 bags of this seed was found to contain the noxious-weed seeds, buckhorn plaitain, curled dock, and sheep sorrel at the rate of 90, 45, and 1,233 per pound. A sample representing 53 bags of this seed was found to contain sheep sorrel seeds at the rate of 270 per pound. A sample taken from 15 bags of this seed was found to contain sheep sorrel seeds at the rate of 126 per pound.

Agricultural seed containing in excess of 500 such noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act.

The results of the tests made on various parts of this "lot of seed" ~~indicated~~ that this was not a "lot of seed" as defined under the rules and regulations of the Federal Seed Act. The term "lot of seed" means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling. The seed was seized by the United States marshal.

On January 15, 1953, the seed was cleaned and relabeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

343. False labeling of orchard grass seed. U. S. v. 8 bags of orchard grass seed. Seed seized and ordered destroyed. (FS 708)

A. N. Levin & Sons, Chattanooga, Tennessee, on July 30, 1952, delivered for transportation in interstate commerce from Chattanooga, Tennessee, to Aliceville, Alabama, eight bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in October 1952 was found to have a germination of 53 percent. The seed was seized by the United States marshal.

On December 1, 1952, no claimant having appeared, the court ordered the seed destroyed.

344. Incomplete and false labeling of fescue seed. U. S. v. 64 bags of fescue seed. Seed seized, cleaned, and relabeled to comply with the Federal Seed Act. (FS 709)

Farmers Elevator Company, Franklin, Kentucky, on July 19, 1952, delivered for transportation in interstate commerce from Franklin, Kentucky, to Madison, Georgia, 231 bags of fescue seed. Pennington Grain & Seed Company on August 11, 1952, delivered for transportation in interstate commerce from Madison, Georgia, to Montgomery, Alabama, 199 bags of said seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of 64 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds and represented the seed to be Kentucky certified seed. A sample representing this seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 270 per pound. The seed was of a quality which indicated that it had not been produced and labeled in accordance with the procedures and in compliance with the rules of the officially recognized seed certifying agency in the State of Kentucky. The rules and regulations of the Kentucky Seed Improvement Association provide that "Kentucky 31" fescue seed certified by that Association may not contain in excess of 80 sheep sorrel seeds per pound. The seed was seized by the United States marshal.

On April 10, 1953, the seed was cleaned and relabeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

345. Incomplete and false labeling of fescue seed. U. S. v. 15 bags of fescue seed. Seed seized, cleaned, and relabeled to comply with the Federal Seed Act. (FS 710)

Farmers Elevator Company, Franklin, Kentucky, on July 19, 1952, delivered for transportation in interstate commerce from Franklin, Kentucky, to Madison, Georgia, 231 bags of fescue seed. Pennington Grain & Seed Company on August 11, 1952, delivered for transportation in interstate commerce from Madison, Georgia, to Montgomery, Alabama, 199 bags of said seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 15 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds and represented the seed to be Kentucky certified seed. This seed was found to contain the noxious-weed seed, sheep sorrel, at a rate of 63 to 262 per pound. The seed was of a quality which indicated it had not been produced and labeled in accordance with the procedures and in compliance with the rules of the officially recognized seed certifying agency in the State of Kentucky. The rules and regulations of the Kentucky Seed Improvement Association provide that "Kentucky 31" fescue seed certified by that Association may not contain in excess of 80 sheep sorrel seeds per pound. The seed was seized by the United States marshal.

On April 10, 1953, the seed was cleaned and relabeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

346. False labeling of crimson clover seed. Excessive noxious-weed seed. U. S. v. 39 bags of crimson clover seed. Seed seized, cleaned, and relabeled to comply with the Federal Seed Act. (FS 711)

McDaniel Grain & Feed Warehouse, McMinnville, Oregon, on September 4, 1952, had delivered for transportation in interstate commerce from Perrydale, Oregon, to Cullman, Alabama, 400 bags of crimson clover seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of 39 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, sheep sorrel and buckhorn plantain, at the rate of 711 and 171 per pound, respectively. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On April 15, 1953, the seed was cleaned and relabeled to comply with the Federal Seed Act under the supervision of a representative of the United States Department of Agriculture in compliance with the court order.

347. False labeling of okra seed. U. S. v. 20 bags of okra seed. Seed seized and ordered destroyed. (FS 712)

P. K. Wallace, Carrollton, Texas, on December 19, 1950, delivered for transportation in interstate commerce from Carrollton, Texas, to New Orleans, Louisiana, 20 bags of okra seed.

A libel was filed in the District Court of the United States for the District of Louisiana praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be the "Dwarf Long Green Pod" variety of okra; whereas, the seed was found to be a mixture of varieties of okra. The seed was seized by the United States marshal.

On December 19, 1952, no claimant having appeared, the court ordered the seed destroyed.

348. False labeling of crimson clover seed. U. S. v. 8 bags of crimson clover seed. Seed seized and delivered to a State institution to be used as stock feed. (FS 713)

E. K. Hardison Seed Company, Nashville, Tennessee, on September 3, 1952, delivered for transportation in interstate commerce from Nashville, Tennessee, to Mobile, Alabama, 19 bags of crimson clover seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of eight bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 72 percent and 2 percent hard seed or a total germination and hard seed percentage of 74; whereas, the seed when tested in October 1952 was found to have a germination of 60 percent with no hard seed remaining. Labels attached to the bags represented the seed in each of the bags to be a part of the same lot of seed; whereas, individual samples taken from each of eight bags showed the germination of the seed in the different bags to vary from 35 percent to 75 percent and the noxious-weed seed content to vary from none to 63 sheep sorrel and 36 curled dock per pound. These results indicated that every bag of this seed was not of the same "lot of seed" as that term is defined in the rules and regulations under the Federal Seed Act. Labels attached to the bags did not indicate the presence of the noxious-weed seeds, sheep sorrel and curled dock. A sample representing one bag of this seed was found to contain sheep sorrel seeds and curled dock seeds at the rate of 63 and 36 per pound, respectively, and a sample representing another bag of this seed was found to contain sheep sorrel seeds at the rate of 27 per pound.

On February 2, 1953, no claimant having appeared, the court ordered the seed delivered to a State institution to be used as stock feed.

349. False labeling of orchard grass seed. U. S. v. 11 bags of orchard grass seed. Seed seized and ordered destroyed. (FS 715)

Sawan, Inc., Columbus, Mississippi, on July 26, 1952, transported in interstate commerce from Columbus, Mississippi, to Opelika, Alabama, 36 bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to have a germination of 85 percent; whereas, the seed when tested in October 1952 was found to have a germination of 54 percent.

On January 7, 1953, no claimant having appeared, the court ordered the seed destroyed.

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350. False labeling of orchard grass seed. U. S. v. 15 bags of orchard grass seed. Seed seized and ordered destroyed. (FS 716)

Sawan, Inc., Columbus, Mississippi, on August 2, 1952, transported in interstate commerce from Columbus, Mississippi, to Rockford, Alabama, 30 bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 15 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed when tested in October 1952 was found to have a germination of 51 percent. The seed was seized by the United States marshal.

On January 7, 1953, no claimant having appeared, the court ordered the seed destroyed.

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351. False labeling of oat seed. U. S. v. 20 bags of oat seed. Seed seized and released to a State institution. (FS 717)

A. G. Swint Seed & Grain Company, Orchard Hill, Georgia, on September 19, 1952, transported in interstate commerce from Orchard Hill, Georgia, to Darlington, Alabama, 93 bags of oat seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of 20 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 92 percent; whereas, the seed when tested in November 1952 was found to have a germination of 61 percent. The seed was seized by the United States marshal.

On February 27, 1953, no claimant having appeared, the court ordered the seed delivered to a State institution to be used for stock feed and not for seeding purposes.

352. False labeling of ryegrass seed. U. S. v. 9 bags of ryegrass seed. Seed seized and released to a State institution. (FS 718)

Sawan, Inc., Columbus, Mississippi, on August 30, 1952, transported in interstate commerce from Columbus, Mississippi, to Frisco City, Alabama, 14 bags of ryegrass seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of nine bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed when tested in October 1952 was found to have a germination of 35 percent. The seed was seized by the United States marshal.

On February 27, 1953, no claimant having appeared, the court ordered the seed released to a State institution to be used as stock feed.

353. False labeling of Dallis grass seed. Excessive noxious-weed seeds. U. S. v. Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama. Plea of guilty. Fine, \$50. (FS 719)

Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama, between October 6 and October 23, 1950, transported from Marion, Alabama, to Brookhaven, Mississippi, four bags of Dallis grass seed.

Information was filed in the District Court of the United States for the Southern District of Alabama alleging that Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 0.22 percent weed seed; to contain the noxious-weed seed, Johnson grass, at the rate of 45 per pound, and to have a germination of 70 percent; whereas, the seed was found to consist, in part, of 1.44 percent weed seed, to contain the noxious-weed seed, Johnson grass, at the rate of 1,188 per pound and when tested in January 1951 was found to have a germination of 38 percent. Agricultural seed containing in excess of 300 Johnson grass seed per pound is prohibited from sale in the State of Mississippi and therefore is prohibited from shipment into that State under the Federal Seed Act.

On April 16, 1953, Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama, entered a plea of guilty and the court imposed a fine of \$50.

354. False labeling of soybean seed. U. S. v. Ed. F. Mangelsdorf & Bros., Inc., St. Louis, Missouri. Plea of nolo contendere. Fine, \$500. (FS 720)

Ed. F. Mangelsdorf & Bros., St. Louis, Missouri, on April 25, 1952, delivered for transportation in interstate commerce from St. Louis, Missouri, to North Little Rock, Arkansas, 195 bags of soybean seed.

Information was filed in the District Court of the United States for the Eastern District of Missouri alleging that Ed. F. Mangelsdorf & Bros., Inc., St. Louis, Missouri, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in May 1952 was found to have a germination of 37 percent.

On January 9, 1953, Ed. F. Mangelsdorf & Bros., Inc., St. Louis, Missouri, entered a plea of nolo contendere and the court imposed a fine of \$500.

355. Incomplete labeling of rye seed and false labeling of bromegrass seed. U. S. v. Frazier's Seed Company, Inc., Coffeyville, Kansas. Plea of nolo contendere on two counts. One count dismissed. Fine \$100 plus costs. (FS 721)

Frazier's Seed Company, Inc., Coffeyville, Kansas, on September 3, 1951, transported in interstate commerce from Coffeyville, Kansas, to Muskogee, Oklahoma, four bags of rye seed. This firm on September 14, 1951, delivered for transportation in interstate commerce from Coffeyville, Kansas, to Nowata, Oklahoma, 10 bags of bromegrass seed.

Labels attached to the bags of rye seed failed to indicate the presence of the noxious-weed seed, cheat; whereas, the seed was found to contain cheat seeds at the rate of 26 per pound. Labels attached to the bags of bromegrass seed represented the seed to have a germination of 85 percent; whereas, the seed when tested in September 1951 was found to have a germination of 10 percent.

On February 2, 1953, Frazier's Seed Company, Inc., Coffeyville, Kansas, entered a plea of nolo contendere and the court imposed a fine of \$50 on each of two counts plus costs. One count alleging false labeling of the rye seed with respect to the percentage of pure seed, the percentage of other crop seed, the percentage of germination and the rate of occurrence of noxious-weed seeds was dismissed by the court.

356. False labeling of oat seed. U. S. v. Rasmussen Farms, Tomah, Wisconsin. Plea of nolo contendere. Fine, \$50. (FS 722)

Rasmussen Farms, Tomah, Wisconsin, on October 21, 1950, delivered for transportation in interstate commerce from Tomah, Wisconsin, to Faribault, Minnesota, 500 bags of oat seed. Ten bags of this seed were thereafter shipped to New Auburn, Wisconsin.

Labels attached to the bags represented the seed to be "verified" and to be the Shelby variety of oat seed; whereas, the seed was found not to be "verified" and not to be the Shelby variety of oat.

On February 21, 1953, Howard Rasmussen, trading as Rasmussen Farms, Tomah, Wisconsin, entered a plea of nolo contendere and the court imposed a fine of \$50.

357. False labeling of Sweet Sudan grass seed and sorghum seed and failure to keep a complete record. U. S. v. Anderson-Thompson, Inc., Lamar, Colorado. Plea of guilty. Fine, \$700. (FS 726)

Anderson-Thompson, Inc., Lamar, Colorado, on April 17, 1951, shipped to Gumon, Oklahoma, 10 bags of Sweet Sudan grass seed. On May 8 and May 29, 1951, and March 19, 1952, this firm shipped to Hooker, Oklahoma, and LaVerne, Oklahoma, a total of 36 bags of sorghum seed.

Information was filed in the District Court of the United States for the District of Colorado alleging that Anderson-Thompson, Inc., Lamar, Colorado, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Ten bags of Sweet Sudan grass seed shipped to Gumon, Oklahoma, on April 17, 1951, were represented to consist, in part, of 98 percent pure seed, 0.50 percent other crop seed, and to have a germination of 85 percent; whereas, the seed was found to consist of 94.67 percent pure seed and 3.49 percent other crop seed and when tested in May 1951 was found to have a germination of 56 percent.

Fourteen bags of sorghum seed shipped to Hooker, Oklahoma, on May 8, 1951, were represented to consist, in part, of 98 percent pure African millet sorghum seed and 0.50 percent other crop seed; whereas, the seed was found to be not more than 79.42 percent African millet sorghum seed and 19.68 percent other crop seed, including other varieties of sorghum seed.

Fifteen bags of sorghum seed shipped to LaVerne, Oklahoma, on May 29, 1951, were represented to consist, in part, of 98 percent "Honey Drip" sorghum seed and no other crop seeds; whereas, the seed was found to consist, in part, of 58.25 percent "Honey Drip" variety of sorghum seed and 41.26 percent other crop seeds, including other varieties of sorghum.

Ten bags of sorghum seed shipped to LaVerne, Oklahoma, on March 19, 1952, were represented to have a germination of 80 percent; whereas, the seed when tested in April 1952 was found to have a germination of 52 percent.

Three counts in the information alleged failure on the part of Anderson-Thompson, Inc., Lamar, Colorado, to keep for a period of 3 years a complete record of the purity and germination of three of the above-mentioned lots of seed as required under section 202 of the Federal Seed Act.

On March 31, 1953, Anderson-Thompson, Inc., Lamar, Colorado, entered a plea of guilty and the court imposed a fine of \$100 on each of seven counts.

358. False labeling of cowpea seed. U. S. v. 10 bags of cowpea seed. Seed seized and released to a State institution for stock feed. (FS 728)

T. W. Wood & Sons, Richmond, Virginia, on January 2, 1953, delivered for transportation in interstate commerce from Richmond, Virginia, to Atmore, Alabama, 10 bags of cowpea seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in February 1953 was found to have a germination of 57 percent. The seed was seized by the United States marshal.

On June 2, 1953, no claimant having appeared the court ordered the seed released to a State institution to be used as stock feed.

359. False labeling of lespedeza seed. U. S. v. 15 bags of lespedeza seed. Seed seized and destroyed. (FS 730)

The Wax Company, Amory, Mississippi, on January 23, 1953, transported in interstate commerce from Amory, Mississippi, to Florence, Alabama, 15 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain, in part, the noxious-weed seed, dodder, at the rate of 54 per pound; whereas, the seed was found to contain dodder seeds at the rate of 153 per pound. The seed was seized by the United States marshal.

On May 6, 1953, no claimant having appeared, the court ordered the seed destroyed.

360. False labeling of millet seed. U. S. v. 10 bags of millet seed. Seed seized and released to a State institution for use as animal feed. (FS 731)

C. L. Rhyne & Sons, Americus, Georgia, on February 27, 1953, transported in interstate commerce from Americus, Georgia, to Slocomb, Alabama, 20 bags of millet seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 10 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in March 1953 was found to have a germination of 56 percent. The seed was seized by the United States marshal.

On April 28, 1953, no claimant having appeared, the court ordered the seed released to a State institution for use as animal feed.

INDEX, BY SHIPPER, TO PROSECUTION CASES
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| <u>Shipper and Kind of Seed</u> | <u>Reference No.</u> |
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| Anderson-Thompson, Inc., Lamar, Colorado Sweet Sudan and sorghum | 357 |
| E. R. Bailey's Sons, Ocala, Florida Alyce clover | 337 |
| Belt Seed Company, Inc., Baltimore, Maryland Orchard grass and oat | 338 |
| Berry Seed Company, Inc., Clarinda, Iowa Lespedeza, mixed agricultural, and bromegrass | 323 |
| Cargill, Inc., Minneapolis, Minnesota Alfalfa | 324 |
| Casement Grain & Seed Company, Sedan, Kansas Lespedeza | 320 |
| H. M. Franklin Company, Tennille, Georgia Cowpea | 332 |
| Frazier's Seed Company, Inc., Coffeyville, Kansas Rye and bromegrass | 355 |
| Hy-Yield Seed Grain Company, St. Paul, Minnesota Oat | 334 |
| J. Oliver Johnson Seed Company, Inc., Chicago, Illinois Chewings fescue and Kentucky bluegrass | 311 |
| Kuhlke Seed and Grain Company, Inc., Augusta, Georgia Crimson clover and rye | 309 |
| Ed. F. Mangelsdorf & Bros., St. Louis, Missouri Soybean | 354 |
| Martin-Lane Company, Vernon, Texas Common Sudan | 319 |
| Common Sudan | 330 |
| M.F.A. Milling Company, Inc., Springfield, Missouri Rye | 336 |
| Northrup, King and Company, Inc., Albany, Oregon Ryegrass | 316 |
| Northwestern Seed Company, Inc., Keokuk, Iowa Bromegrass | 321 |

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| <u>Shipper and Kind of Seed</u> | <u>Reference No.</u> |
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| Okerlund Seed Company, Sisseton, South Dakota | |
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| Rasmussen Farms, Tomah, Wisconsin | |
| Oat | 356 |
| Wm. G. Scarlett & Company, Baltimore, Maryland | |
| Rye, buckwheat, and corn | 333 |
| Carl J. Skogman, Constance, Minnesota | |
| Alfalfa | 318 |
| Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama | |
| Dallis grass | 353 |
| Stoller's Seed House & Elevator, Paulding, Ohio | |
| Alfalfa and timothy | 315 |
| Windheim Seed Company, Omaha, Nebraska | |
| Alfalfa | 314 |
| T. W. Wood and Sons, Richmond, Virginia | |
| Corn | 308 |
| F. H. Woodruff & Sons, Inc., Atlanta, Georgia | |
| Garden bean | 313 |
| Valda Wooten, McRae, Georgia | |
| Cowpea | 331 |

INDEX, BY* SHIPPER, TO SEIZURE CASES
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| Oat | 322 |
| Oat | 325 |
| Farmers Elevator Company, Franklin, Kentucky | |
| Fescue | 335 |
| Fescue | 344 |
| Fescue | 345 |
| Gateway Seed Company, Fargo, North Dakota | |
| Oat | 322 |
| Oat | 329 |
| E. K. Hardison Seed Company, Nashville, Tennessee | |
| Crimson clover | 348 |
| A. N. Levin & Sons, Chattanooga, Tennessee | |
| Orchard grass | 343 |
| McDaniel Grain & Feed Warehouse, McMinnville, Oregon | |
| Crimson clover | 346 |
| Murphey's Seed Store, Klamath Falls, Oregon | |
| Sweetclover | 312 |
| Northrup, King & Company, Berkeley, California | |
| Ryegrass | 342 |
| Pender Peanut Company, Greenwood, Florida | |
| Peanut | 327 |
| Peanut | 328 |
| Pennington Grain & Seed Company, Madison, Georgia | |
| Fescue | 335 |
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| Purcell Seed Company, Purcell, Oklahoma | |
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| Quaker Oats Company, Greenville, Mississippi | |
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| <u>*Shipper and Kind of Seed</u> | <u>Reference No.</u> |
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| Riemers Company, Foley, Alabama | |
| Cottonseed | 326 |
| Sawan, Inc., Columbus, Mississippi | |
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| Orchard grass | 350 |
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| George P. Sexauer & Son, Brookings, South Dakota | |
| Alfalfa | 317 |
| The Sinkers Corporation, Kennett, Missouri | |
| Cottonseed | 326 |
| Standard Seed Company, Des Moines, Iowa | |
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| A. G. Swint Seed & Grain Company, Orchard Hill, Georgia | |
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| Okra..... | 347 |
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| Lespedeza | 359 |
| T. W. Wood & Sons, Richmond, Virginia | |
| Cowpea | 358 |

*The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violating the Federal Seed Act. The action in seizure cases is against the seed.

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