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**OPINIONS ON
STATUTES**

La Grande, Oregon, November 13.—
To the Editor:—Several announcements have appeared of late in the Observer stating the determination of the local fruit inspector to enforce the law against the selling of wormy and diseased fruit in this county.

I think the local inspector, Mr. Oldenburg, is mistaken in his construction of the intent of the law in some of its provisions. I take it from the reading of the law and its various amendments that the main object to be obtained is to prevent the spreading of fruit pests and the disease of fruit and trees. He seems to think the intent of the law is to prohibit the sale of worm eaten fruit and to prevent the consumption of the same in the interests of pure food for the people. This law has no connection with the question of pure food, and in the matter of inter-state business the jurisdiction would be vested in federal officials.

The sections of the law relating to the selling of shipments of infected or diseased fruit are as follows:—

Section 4194. It shall be unlawful for any person, firm or corporation to import or sell any infected or diseased fruit of any kind in the state of Oregon.

Section 4195. Every person who packs or prepares for shipment to any point within the state, or delivers or causes to be delivered to any express agent or railway agent or other person, or to any transportation company or corporation for shipment to any point without the state fruit or fruits either fresh, cured or dried that is infected with insect pests or diseases injurious to trees, shrubs, plants fruit or vegetables is guilty of a misdemeanor.

The violation of the law largely depends on the definition of the word "infected." We are infected with mosquitoes and flies when the little blisters are here and when fly paper is in demand. This country is infested with an enemy when its armies are on our



shores or its navy is bombarding our fortifications. It signifies an act in the process of being consummated. It means the present and not the past tense. At this time of the year it is well known that the worms have all gone out of the apples and they are no longer infested. They are only scarred and have small holes in them where the worms have been. The worms are like the enemy departed

and flies and mosquitoes gone to their winter quarters. It is the habit of the worm to make its escape from the apple in about two weeks after it has entered. Then it crawls down the limbs of the tree to a hiding place in the bark or the ground. It is the orchard that is infested after the apples have matured.

In this view of the case most of the worm eaten apples have been disposed of in one way and another during all of the seasons past, and there is but little doubt but that they will be disposed of this year. They have been shipped to Walla Walla and other places in car loads. They have been sold by the ton to the fruit dryer. The vinegar man has bought up large quantities of them. Farmers have come in from the country from eight and ten miles around and have bought wagon loads of them. Peddlers have taken the mby the wagon load and sold them in the mines and camps and towns in every direction. People of humble means have filled up their sacks and boxes and have laid up a plentiful supply for their winters consumption. The inspector can probably find in a thousand homes in Union county apple sauce that has been prepared by the thrifty housewife from apples that have been "infested" by the effect of the codling moth. The apple is carefully peeled and the small hole that has been made by the worm is cut out with a knife so that the refuse matter that is deposited by the worm is removed so that nothing goes into the pot or the apple "sass" but the pure part of the apple. This does not hold true in making cider, vinegar, dried or evaporated apples, and other food products wherein the apple is ground or cut up in the process of preparing products for food or drink.

If the question hinges as a matter of pure food the using of worm eaten apple in the preparation of family food has all the other methods of manufacture "skinned to a frazzle."

Besides, where such a large percentage of the worm holes are, and I cook and eat the balance of the apple it is going to be a hard matter of any inspector to be ever so vigilant to cut off the supply if the demand keeps up. In the great place there are quite a number of

people of small means who cannot afford to buy the "fancy pack" at prices ranging from \$1.50 per box when they can get a cheaper article. It is reported that some peddlers sell these apples by the box for 75 cents for the box and charge nothing for the apples. They do not wish to get into trouble with the officers. A conversation was overheard where one of the most respected citizens of La Grande said to a fruit grower "bring me in the apples and I will see that the fruit inspector don't know anything about it. I can't afford to buy those high priced apples." Every twist and turn is made to beat the devil about the bush. And it is a crying shame to put people into such a hypocritical position in order that they may get what they really need and have a right to have. One warehouse-man says to a party wanting fruit that has been called out for shipping: "There is the fruit, take it along when you go and leave the money on the table. You know that I am not allowed to sell it." Such "monkey business" and skulduggery is a
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