

# United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

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## NOTICE OF JUDGMENT NOS. 66-67, FOOD AND DRUGS ACT.

66. Misbranding and adulteration of stock feed (As to presence of ground corn cobs, etc.).

67. Misbranding of butter (As to location and name of manufacturer).

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(N. J. 66.)

### MISBRANDING AND ADULTERATION OF STOCK FEED.

(AS TO PRESENCE OF GROUND CORN COBS, ETC.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 500 bags of stock feed, a proceeding of libel for seizure and condemnation of said stock feed, under section 10 of the aforesaid act, wherein The Capital Grain and Mill Company, of Nashville, Tenn., was claimant, lately pending, and finally determined on November 11, 1908, in the district court of the United States for the eastern district of Virginia, by entry of a decree of forfeiture, condemnation, and sale of the said stock feed, upon condition, however, that upon payment by the claimant of all costs and the execution and delivery by it of a good and sufficient bond, under the provisions of said section 10, and upon the further condition that the said stock feed should be properly labeled and branded, the said stock feed might be redelivered to the claimant. The said stock feed was contained in 250 sacks branded "Mixed (Bran) Feed. Made from pure winter wheat bran and ground ear corn," and in 250 sacks branded "Mixed (Middling) Feed. Made from pure winter wheat middlings and ground ear corn." The product was a mixture of wheat bran and ground corn cobs, with practically no ground corn kernel, and was adulterated within the meaning of section 7 of the aforesaid act in that ground corn cobs were substituted in part for ground ear corn, whereby its quality and strength were reduced and lowered, and was misbranded within the meaning of section 8 of the aforesaid act in that the brands bore false, misleading, and deceptive statements, that is to say, that the product was mixed wheat bran and ground ear corn and mixed wheat middlings and ground ear corn, whereas in fact it contained practically no ground ear corn.

The said claimant having admitted the allegations of the libel, and the cause having come on for final hearing, on the date hereinbefore stated, the court rendered its decree in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE EASTERN DISTRICT  
OF VIRGINIA.

UNITED STATES OF AMERICA, <i>Libelant</i> , <i>vs.</i> FIVE HUNDRED BAGS OF STOCK FEED, WHEREOF The Capital Grain and Mill Company is claim- ant, <i>Respondent</i> .	}
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On motion of the district attorney, and it appearing to the court that upon the libel filed herein on the 17th day of June, 1908, monition was duly issued and served, and by virtue of such process the marshal seized and took into his possession the five hundred bags of stock feed, two hundred and fifteen bags whereof being labeled and branded as "Mixed (Bran) Feed. Made from Pure Winter Wheat Bran and Ground Ear Corn," and the remaining two hundred and fifty bags of which being labeled and branded as "Mixed (Middling) Feed. Made from Pure Winter Wheat Middlings and Ground Ear Corn;" and it further appearing that the claimant of said five hundred bags of stock feed, The Capital City Grain and Mill Company, appeared before this court on the 29th day of June, 1908, and consented that a decree of condemnation should be entered in accordance with the prayer of the libel, it is, therefore, now

Adjudged, ordered, and decreed that the said five hundred bags of stock feed, labeled and branded as aforesaid, be, and they are hereby, declared, as charged in the libel, to be misbranded, in violation of the act of June 30, 1906, contained in 34 Statutes at Large, page 768 et seq., entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes;" and it is further ordered that the said five hundred bags of stock feed, branded as aforesaid, be, and they are hereby, condemned and ordered to be disposed of by sale at public auction by the marshal, after due advertisement for five days in some newspaper published in the city of Norfolk, Virginia, as prayed for in said libel, and provided for in the said act of June 30, 1906, the proceeds arising from such sale, less the legal costs and charges, to be paid into the Treasury of the United States.

It is provided, however, that upon payment, within thirty days from date of this decree, of all costs of this proceeding, including the expenses incurred by the marshal in and about the seizure of said stock feed and the storage and watching of and insurance upon the same, the said stock feed may be delivered to the said claimant in compliance with the terms of the bond in the penalty of \$500.00 heretofore filed in accordance with section 10 of the aforesaid act, conditioned that said stock feed shall not be sold or otherwise disposed of contrary to the provisions of the aforesaid act, or the laws of any State, Territory, district, or insular possession of the United States, and that the said stock feed shall be properly labeled and branded in accordance with said act.

EDMUND WADDILL, Jr.,  
*U. S. District Judge.*

NORFOLK, VA., *November 11, 1908.*

The facts in the case were as follows:

On or about June 15, 1908, an inspector of the Department of Agriculture found in course of transportation a consignment of 500 bags, weighing 80 pounds each, of a stock feed, 250 bags of which were labeled and branded "Mixed (Bran) Feed. Made from pure winter wheat bran and ground ear corn," and the remaining 250 bags, "Mixed

(Middling) Feed. Made from pure winter wheat middlings and ground ear corn." The feed had been shipped and consigned to D. P. Reid and Brother, Norfolk, Va., by The Capital Grain and Mill Company of Nashville, Tenn., on June 13, 1907. Samples of the feed were subjected to analysis in the Bureau of Chemistry of the Department of Agriculture, and the results showed that the product consisted of a wheat product, probably middlings, and ground corn cobs, and only a trace of ground corn kernels. It was evident, therefore, that the feed was adulterated and misbranded in violation of sections 7 and 8 of the Food and Drugs Act of June 30, 1906.

Accordingly, on June 16, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the eastern district of Virginia, and libel for seizure and condemnation of the goods, under section 10 of the act, was duly filed, with the results hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved :

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1909.*

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(N. J. 67.)

### MISBRANDING OF BUTTER.

(AS TO NAME AND LOCATION OF MANUFACTURER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 13 boxes of butter, a proceeding of libel for seizure and condemnation of said butter, under section 10 of the aforesaid act, wherein The Fox River Butter Company of Cincinnati, Ohio, was claimant, lately pending, and finally determined on December 11, 1908, in the district court of the United States for the southern district of Ohio by the entry of an order directing the marshal to redeliver said butter to said claimant upon payment by it of all costs of the proceeding and execution of a proper bond prescribed by said section 10.

The butter was misbranded, within the meaning of section 8 of the aforesaid act, as alleged in the libel, as follows: