

It was apparent that the article was misbranded within the meaning of section 8 of the act, because it was labeled "25 per cent protein, 3 per cent fat," whereas the analysis showed that it contained only 23.31 per cent of protein and 2.48 per cent of fat.

The Secretary of Agriculture having afforded the manufacturer an opportunity to show any fault or error in the findings of the analyst, and it having failed to do so, the facts were, on January 11, 1909, reported to the Attorney-General and the case referred to the United States attorney for the western district of Michigan, who filed an information against the said Michigan Starch Company, with the result 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., *November 24, 1909.*

(N. J. 118.)

ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.

(AS TO PRESENCE OF WHEAT AND CORN PRODUCTS.)

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 that on the 8th day of June, 1909, in the district court of the United States for the southern district of Illinois, in a prosecution by the United States against Guy C. Ela and Catherine Scott, doing business as a copartnership under the name of the Ela Manufacturing Company, at Bloomington, Ill., for violation of section 2 of the aforesaid act, in shipping and delivering for shipment from Illinois to Ohio an adulterated and misbranded flour, that is to say, a flour labeled "Buckwheat Compound Flour," whereas it was a mixture of buckwheat, wheat flour, and corn meal, the said Guy C. Ela having appeared in court and waived trial by jury, the court found for the United States and imposed upon him a fine of \$25 and costs, and in so imposing the fine orally stated that the word "compound" indicated that there were two or more different substances present and that these different substances could not be known under one single name, such as buckwheat, and that, therefore, the label should state, in addition to the word "compound," what the different substances were that entered into the compound in order that the purchaser might know what he was buying.

The facts in the case were as follows:

On March 27, 1908, an inspector of the Department of Agriculture purchased from M. M. Terry & Co., Dayton, Ohio, a sample of a food product, the package containing which was labeled on one side "O. P. T. Self-Rising Buckwheat Compound Flour" and on the other side "Compound Buckwheat O. P. T. Flour. Ela Manufacturing Company, Bloomington, Ill." This sample was part of a shipment made by the Ela Manufacturing Company from Bloomington, Ill., to M. M. Terry & Co., on or about February 27, 1908. The sample was examined in the Bureau of Chemistry, Department of Agriculture, and found to contain a considerable quantity of wheat and corn products. It was apparent, therefore, that the article was both adulterated and misbranded; adulterated because wheat and corn products had been substituted in part for the buckwheat flour, and misbranded because the packages containing it were labeled in such manner as to indicate that they contained a compound of buckwheat flour, whereas a large quantity of wheat and corn flour had been mixed and packed with the same.

The Secretary of Agriculture having, on October 5, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid examination, and they having failed to do so, the facts were reported to the Attorney-General on January 25, 1909, and the case referred to the United States attorney for the southern district of Illinois, who filed an information against the said Ela Manufacturing Company, with the result 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., *November 24, 1909.*