

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 170, FOOD AND DRUGS ACT.

MISBRANDING OF CORN MEAL.

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 30th day of September, 1909, in the District Court of the United States for the Southern District of Ohio, judgment was entered in the case of the United States against the Sam. W. Weilder Company, a corporation, in a prosecution upon an information in substance charging said defendant corporation with having shipped and delivered for shipment from Cincinnati, Ohio, to Norfolk, Virginia one carload of a certain article of food contained in sacks labeled and branded:

“Old Log Cabin Meal. Fresh Ground Corn Meal. Best Water Ground Style. Legrand, Threadcroft Co. Sole Agents for Eastern Virginia and North Carolina,”

which said meal was misbranded for the reason that said label bore statements regarding said article and the ingredients and substances contained therein which were false and misleading in this that they induced the belief that said meal was ground in a water mill on mill stones or burrs, when in truth and in fact it was ground by the steam roller process, steam power being used.

The defendant pleaded guilty on the above day to the charges contained in said information and the Court imposed on it a fine of \$5.00, together with the costs of the prosecution amounting to \$17.85.

The facts on which said prosecution was based were as follows:

On or about September 3, 1908, an inspector of the United States Department of Agriculture obtained information that a consignment of meal labeled as above described had been shipped by the Sam. W. Weilder Co. from Cincinnati, Ohio, to Legrand, Threadcroft Co., at

Norfolk, Va., which consignment was there seized in a libel proceeding under section 10 of the Act, and adjudged to be misbranded as alleged in said libel (See notice of judgment No. 44). Previous investigations made by the United States Department of Agriculture had disclosed that the output of the mill where this meal was produced, was not ground by water process or in burr mills, but by steam roller process.

The said Sam. W. Weilder Co. was duly notified that the said meal was misbranded and was given an opportunity to be heard and was heard in regard to said misbranding; and it appearing that there had been a violation of the Act the Secretary of Agriculture on December 9, 1908, reported the facts to the Attorney General by whom the case was in turn referred to the United States Attorney for the Southern District of Ohio, who filed the above information with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*

