

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 940, FOOD AND DRUGS ACT.

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#### MISBRANDING OF FLOUR.

On or about February 22, 1910, the Wall-Rogalsky Milling Company, McPherson, Kans., shipped from the State of Kansas into the State of Pennsylvania 830 sacks of flour labeled "Camellia Flour Company, Camellia, Pittsburgh, Pa." Investigation by the Bureau of Chemistry, United States Department of Agriculture, showed that the product had been manufactured by the Wall-Rogalsky Milling Company at McPherson, Kans. As the above investigation and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On March 4, 1911, a libel was filed in the District Court of the United States for said district against the said 830 sacks of flour, charging the above shipment and alleging that the product so shipped was labeled as above set forth, which label conveyed the impression that the product had been manufactured by the Camellia Flour Company at Pittsburg, Pa., when, in truth and in fact, it had been manufactured by the Wall-Rogalsky Milling Company, at McPherson, Kans. Thereupon said Wall-Rogalsky Milling Company entered its appearance and filed its answer to the above libel, claiming ownership of the product in question and stating that the misbranding complained of occurred through inadvertence and error on the part of the manufacturers thereof, and that said respondent had arranged to have the containers of said product properly stenciled in accordance with the provisions of the above act, and praying that it be permitted to pay the costs of the above proceedings, and that an

order be made releasing said 830 sacks of flour to the respondent on the filing of a bond in the sum of \$1,000, conditioned that the said flour be branded in accordance with said act and that the product should not be sold contrary to the provisions thereof.

On March 10, 1911, the cause came on for hearing on the above libel and answer, and the court, being fully informed in the premises, issued its decree condemning and forfeiting said 830 sacks of flour to the use of the United States for the cause alleged in said libel and granting the prayer of the above-mentioned claimants for the release of the goods upon bond conditioned as above set forth. The costs having been paid and bond filed, in accordance with the decree of said court, the 830 sacks of flour in question were forthwith released to the above claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 9, 1911.*