

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1173.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WHEAT.

On May 17, 1909, the United States Attorney for the Northern District of Texas filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one carload of wheat shipped by the Hall-Baker Grain Co., Kansas City, Mo., to the Walker Grain Co., Fort Worth, Tex., and remaining in the original car on the tracks of the Gulf, Colorado and Santa Fe Railway Co., at Fort Worth, Tex. The said wheat was not labeled, but was sold and shipped as No. 2 red wheat.

Samples of said wheat were collected by J. S. Abbott, Dairy and Food Commissioner of the State of Texas, acting under the authority of the Secretary of Agriculture as an inspector of this Department, which were examined by P. S. Tilson, duly authorized and empowered as a collaborating chemist of the Bureau of Chemistry of this Department, who reported said samples to consist of 40 per cent hard wheat. The libel alleged that the wheat, after transportation from the State of Missouri into the State of Texas, remained in the original unbroken package, to wit, the car in which the same was shipped, and that it was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was, therefore, liable to seizure and confiscation. Adulteration was alleged because another substance, to wit, hard wheat, had been mixed with and substituted in part for No. 2 red wheat. Misbranding was alleged because said wheat was sold under the distinctive name of another article, to wit, No. 2 red wheat, when in fact it was not No. 2 red wheat, but a mixture thereof with 40 per cent hard wheat, whereby the purchaser was deceived and misled.

On May 26, 1909, the case coming on for hearing, and the Walker Grain Co. having appeared as claimant and owner of said wheat, and admitted its adulteration and misbranding as alleged in the libel, the court adjudged the said wheat adulterated and misbranded in violation of the aforesaid act, and decreed its condemnation, with a proviso, however, that should said claimant pay all costs of the proceedings and execute and deliver a good and sufficient bond that said wheat should not be again disposed of contrary to law the same should be released to claimant. The costs being paid and bond given, the wheat was released accordingly.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 23, 1911.*

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