

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1840.

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

MISBRANDING OF SUGAROTA DAIRY FEED AND SUGAROTA SWINE FEED.

On November 21, 1911, the United States Attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northwest Mills Co., a corporation, Winona, Minn., alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about December 31, 1909, from the State of Minnesota into the State of Indiana of quantities of Sugarota Dairy Feed and Sugarota Swine Feed which were misbranded. The first named product was labeled: (On sacks) "100 Lbs. Purity and weight guaranteed under the Pure Food Act, 1906, Serial No. 17421, Sugarota (Trade Mark) Dairy Feed, Protein 16 to 18 per cent., Fat 3 to 5 per cent., Carbohydrates 50 per cent., Fiber 12 to 15 per cent., Northwest Mills Company of Winona, Minn." (On tags) "No. 2198, 100 Lbs. Northwest Mills Company of Winona, Minn., Guarantees this Sugarota Dairy Feed to contain not less than 4.5 per cent of crude fat, 18.0 per cent. of crude protein, and to be compounded from the following ingredients: cotton seed meal, flax bran, hominy feed, wheat bran, shorts, middlings, red dog flour, oat clippings, and molasses." The second named product was labeled: (On sacks) "100 Lbs. Purity and Weight guaranteed under Pure Food Act, 1906, Serial No. 17421, Sugarota (Trade Mark) Dairy and Live Stock Feed, Swine Feed, Protein 18 per cent., Fat 4.5 per cent., Carbohydrates 55 per cent., Northwest Mills Company, Winona, Minn." (On tags) "No. 2199, 100 Lbs., Northwest Mills Company, of Winona, Minn., guarantees this Sugarota Swine Feed to contain not less than 4.5 per cent. of crude fat, 18 per cent. of crude protein, and to be compounded from the following ingredients; cotton seed meal, flax bran, hominy feed, wheat bran, shorts, middlings, red dog flour, oat clippings, and middlings."

Analysis of samples of the products by the Bureau of Chemistry of this Department showed the following results, respectively:

(Sugarota Dairy Feed) Moisture, 9.26 per cent; ether extract, 5.22 per cent; protein, 14.19 per cent; crude fiber, 16.14 per cent. (Sugarota Swine Feed) Moisture, 9.38 per cent; ether extract, 5.02 per cent; protein, 14.19 per cent. Misbranding of the products was alleged in the information for the reason that they were labeled and branded so as to deceive and mislead the purchasers thereof in that by the labels and brands set forth above the products purported and were represented to contain 16 to 18 per cent protein and 18 per cent protein respectively, when in truth and in fact they did not contain 16 to 18 per cent protein or 18 per cent protein, but a much less quantity of protein, to wit, 14.19 per cent.

(2) On January 20, 1910, from the State of Minnesota into the State of Indiana of a quantity of Sugarota Dairy Feed which was misbranded. This product was labeled: (On sacks) "100 Lbs. Purity & Weight Guaranteed under Pure Food & Drug Serial No. 17421. Sugarota trade mark Dairy and Live Stock Feeds (cow) Dairy Feed, Protein 16 to 18%, Fat 3 to 5%, Carbohydrates 50%, Fibre 12 to 15%, Northwest Mills Company, Winona, Minn." (On tags) "No. 2871, 100 Lbs. Northwest Mills Company of Winona, Minn., guarantees this Sugarota Dairy Feed to contain not less than 3.0% of crude fat, 16.0% of crude protein, and to be compounded from the following ingredients: cottonseed meal, malt sprouts, flax bran, wheat screenings, salt and molasses. W. J. Jones, Jr., State Chemist, Purdue University Agricultural Experiment Station, Lafayette, Indiana. Not Good for more than 100 lbs."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Moisture, 7.56 per cent; ether extract, 4.23 per cent; protein, 14.19 per cent; crude fiber, 17 per cent. Misbranding was alleged in the information for the reason that the product was labeled and branded so as to deceive and mislead the purchasers thereof, in that by its labels and brands it purported and was represented to contain 16 to 18 per cent protein and 12 to 15 per cent fiber, when in truth and in fact it did not contain 16 to 18 per cent protein, but a much less quantity, to wit, 14.19 per cent protein, and it did not contain 12 to 15 per cent fiber, but a much greater quantity, to wit, 17 per cent fiber. Misbranding of all the products was alleged for the further reason that the labels and brands each contained a statement as to the ingredients therein which was false, misleading, and deceptive.

On June 4, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$30.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 23, 1912.*