

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2132.

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

ADULTERATION AND MISBRANDING OF GRAHAM FLOUR.

On May 4, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Allen & Wheeler Co., a corporation, Troy, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on July 31, 1911, from the State of Ohio into the State of Indiana of a quantity of so-called graham flour which was adulterated and misbranded. The product was labeled: "Graham Flour The Allen & Wheeler Co. Troy, Ohio Graham Grits Gain Good Words Try Them Made of Pure winter Wheat * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 13.21 per cent; ash, 1.63 per cent; protein, N x 5.7, 10.32 per cent; crude fiber, 1.04 per cent; nitrogen-free extract, 72.18 per cent; fat, 1.62 per cent; the small amount of middlings (coarse and fine) together with the low quality of the coarse middlings, the large amount of flour, and the fact that the bran is clean, indicating that it has been bolted, all this shows that this flour is not graham flour and therefore is not entitled to the name "graham flour" without some qualification. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of bran shorts and flour, was substituted wholly or in part for what the product by its label purported to be, to wit, graham flour. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein which statement, to wit, "Graham Flour," was false, misleading, and deceptive, in that it was calculated and intended to, and did, convey the impression and create the belief that the product was graham flour as understood and known and recognized by the trade and the public generally, that is to say, an unbolted wheat meal, whereas, in truth and in fact, it was not such graham flour but was a mixture of

bran shorts and flour. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was graham flour as that product is understood, known, and recognized by the trade and public generally, whereas, in truth and in fact, it was not graham flour, but was a mixture of bran shorts and flour.

On October 3, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 with costs, amounting to \$14.75.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 19, 1912.*

