

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2315.

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

MISBRANDING OF FLOUR.

On June 22, 1912, the United States Attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25,811 pounds of flour, contained in 1,104 sacks, remaining unsold in the original unbroken packages and in possession of the Western Grocery Co., El Paso, Tex., alleging that the product had been shipped by the Anthony Roller Mills, Anthony, N. Mex., and transported from the State of New Mexico into the State of Texas and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Anthony Roller Mills. Satisfaction Patent. C. E. Miller, Anthony, N. M. 24 lbs. Satisfaction Flour."

Misbranding of the product was alleged in the libel for the reason that none of the 1,104 sacks contained 24 pounds of flour as they purported to contain and as they were branded, but each of the sacks was filled with and contained flour of a weight less than 24 pounds and the quantity contained in each of the sacks was an average of 23 pounds 6.08 ounces, and the use of the words "24 lbs. Satisfaction Flour" in the branding of said sacks was false and misleading and the contents of the sacks were not correctly stated thereon for the reason that the brands indicated that the sacks contained 24 pounds of flour, whereas, in truth and in fact, they contained an average of less than 24 pounds, namely, 23 pounds 6.08 ounces, and each of the sacks contained less than 24 pounds and none of them contained 24 pounds, but a quantity less than 24 pounds, and therefore the

contents of said sacks were not plainly and correctly stated in terms of weight on the outside thereof.

On June 26, 1912, Charles E. Miller, claimant, the owner of the Anthony Roller Mills, having prayed that the product be delivered to him, it was ordered by the court that upon the execution of bond by said claimant in the sum of \$1,260, in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 5, 1913.*

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