

**4392. Misbranding of golden mash feed. U. S. v. 20 Sacks \* \* \* of \* \* \*  
Mash Feed. Default decree of condemnation and forfeiture. Product  
ordered sold. (F. & D. No. 6140. I. S. No. 13503-k. S. No. C-136.)**

On November 27, 1914, the United States attorney for the District of Indiana, 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 20 sacks, more or less, of a product purporting to be mash feed, remaining unsold in the original unbroken packages at Richmond, Ind., alleging that the product had been shipped and transported from the State of Ohio into the State of Indiana, the shipment having been received by the consignee on or about August 28, 1914, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "100 lbs. when packed Golden Mash Feed manufactured by John DeWine Co., Yellow Springs, Ohio. Analysis Crude Protein 18.47%, Crude Fat, 7.88%, Crude Fiber, 4.60%. Ingredients Corn Hearts, Alfalfa Meal, Midds, Bran, Beef Scraps, Oil Meal, Carbonate of Lime, Charcoal."

Misbranding of the article was alleged in the libel for the reason that the protein contained in the product was less than 18.47 per cent; that the crude fat was less than 7.88 per cent; and that the statements, design, and device aforesaid, regarding the product and the ingredients and substances contained therein, were false and misleading in that the article was labeled and branded so as to deceive and mislead the purchaser thereof.

On April 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered *pro confesso*. On October 15, 1915, the final decree of condemnation was entered, and it was ordered by the court that the product should be sold by the United States marshal, but that before making such sale he should remove and obliterate all marks, brands, and figures indicating the substance contained in the sacks and should rebrand the same by placing thereon "Mash Feed, manufactured by John DeWine Co., Yellow Springs, Ohio."

C. F. MARVIN, *Acting Secretary of Agriculture.*