

6478. Adulteration and misbranding of dairy feed. U. S. * * * v. 245 Sacks of Dairy Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9535. I. S. No. 16039-p. S. No. E-1183.)

On December 13, 1918, the United States attorney for the Northern District of Georgia, 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 245 sacks of Daisy dairy feed labeled, "Guaranteed analysis: Protein, 13.25 per cent; fat, 3.50 per cent; fiber, 12.50 per cent," remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about October 24, 1918, by the Sutherland Flour Mills Co., Cairo, Ill., and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance containing lower percentages of protein and fat and a higher percentage of fiber than those indicated on the labels and tags had been mixed and packed with, and substituted wholly or in part for, an article containing the percentages of protein, fat, and fiber as indicated on the labels, which said article, containing said higher percentages of protein and fat and a lower percentage of fiber, the aforesaid product falsely purported to contain and to be, so as to reduce, lower, and injuriously affect the quality of the article.

Misbranding of the article was alleged for the reason that the statements borne on the labels and on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that said product did not contain 13.25 per cent of protein and did not contain 3.50 per cent of fat and did contain more than 12.50 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser and to cause him to believe that the product contained 13.25 per cent of protein, 3.50 per cent of fat, and only 12.50 per cent of fiber, whereas, in truth and in fact, it did not contain 13.25 per cent of protein, 3.50 per cent of fat, and contained more than 12.50 per cent of fiber.

On January 11, 1919, the said Sutherland Flour Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*