

violation of the Food and Drugs Act, as amended, on or about November 15, 1917, and February 7, 1918, from the State of Georgia into the States of North Carolina and South Carolina, respectively, of quantities of an article labeled in part, "Wiley's Atlanta Genuine Marshmallows \* \* \* net weight 4 ozs.," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment Nov. 15, 1917: Average net weight, 4 packages (ounces) \_ 2. 01

Shipment Feb. 7, 1918: Average net weight, 18 packages (ounces) \_ 3. 32

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Net Weight 4 Ozs.," borne on the box containing the article, regarding it, was false and misleading in that it represented that the contents of each of said boxes weighed four ounces net, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each of said boxes weighed four ounces net, whereas, in truth and in fact, the contents of each of said boxes did not weigh four ounces net but did weigh a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 6, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**6743. Misbranding of Blue Ribbon Dairy Feed. U. S. \* \* \* v. Quaker Oats Co., a corporation. Plea of nolo contendere. Fine, \$100.**  
(F. & D. No. 9104. I. S. No. 9157-m.)

On March 13, 1919, the United States attorney for the District of Vermont, 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 Quaker Oats Co., a corporation, doing business at Richford, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1916, from the State of Vermont into the State of Maine, of a quantity of an article labeled in part, "Blue Ribbon Dairy Feed," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)_____	3. 19
Protein (per cent)_____	19. 94
Fiber (per cent)_____	13. 27

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 25 per cent. \* \* \* Crude Fiber (maximum) 12 per cent.," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it contained not less than 25 per cent of protein and contained not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 25 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 25 per cent of protein and more than 12 per cent of crude fiber, to wit, 19.94 per cent of protein and 13.27 per cent of crude fiber.

On June 9, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

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