

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2551.

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

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**U. S. v. Mountain City Mill Co. Plea of guilty. Fine, \$20 and costs.**

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### ADULTERATION AND MISBRANDING OF FEED STUFF.

On April 14, 1911, the United States Attorney for the Eastern District of Tennessee, 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 Mountain City Mill Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on March 28, 1909, from the State of Tennessee into the State of North Carolina of a quantity of feed stuff which was adulterated and misbranded. The product was labeled: "Mountain City Mill Co., Ship stuff or feed meal. Chattanooga, Tenn. 40% better than corn for horses, cattle and hogs. 80 lbs. Guaranteed under the Pure Food and Drugs Act June 30, 1906. Serial No. 4597." (Inspection tag on bag) "80 lbs. Ship Stuff Product of Wheat and Corn. Protein minimum per cent 13.00 fat minimum per cent 5.50. Crude Fibre minimum per cent 7.00, Sugar and Starch minimum per cent 60.00 Mountain City Mill Co., Chattanooga, Tennessee."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Moisture, 8.81 per cent; ether extract, 6.58 per cent; protein, 12.13 per cent; crude fiber, 8.96 per cent; reducing sugar, 0.42 per cent; sucrose, 3.84 per cent; starch, 21.15 per cent; sugars and starch, 25.41 per cent. A microscopic examination of a sample of the product showed it to be a wheat product containing corn bran. Estimate of amount of corn bran present at least 30 per cent. Adulteration of the product was

alleged in the information for the reason that it did not contain ship stuff or feed meal and on the other hand consisted of a ground wheat product containing approximately 30 per cent corn bran which was not a normal constituent of ship stuff; and as the label on the product stated it to be ship stuff the same was adulterated in that a substance, to wit, approximately 30 per cent of corn bran, had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality and strength, and said substance, approximately 30 per cent of corn bran, had been substituted wholly or in part for the article. Misbranding was alleged for the reason that the label and tag on the product, as above quoted, stated said product to be ship stuff, whereas it was not ship stuff but a ground wheat product containing approximately 30 per cent of corn bran and was, therefore, misbranded, and the statements on said label and tag were false and misleading and the product was labeled so as to deceive and mislead the purchaser.

On December 7, 1911, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 3, 1913.*

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