

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 2568.

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

---

**U. S. v. Kellogg Manufacturing Co. Plea of guilty. Fine, \$15 and costs.**

---

### ADULTERATION AND MISBRANDING OF RICE.

On October 15, 1912, the United States Attorney for the Southern District of Iowa, 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 Kellogg Manufacturing Co., a corporation, Keokuk, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 16, 1911, from the State of Iowa into the State of Illinois of a quantity of rice which was adulterated and misbranded. The product was labeled: "This rice is finished by a coating of 1-1000th part of glucose and 1-3000th part talc, which will be removed by washing. Gate City Brand Fancy Japan Style Rice K. B. Co. Trade Mark Gate City Grown in United States Packed by Kellogg Manufacturing Company, Keokuk Iowa."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed it to be a very poor grade of domestic grown Japan style rice, coated with some preparation, presumably glucose and talc. It contained a large percentage of stack-burnt grains and also a lot of broken grains and was altogether of very inferior quality. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a very poor grade of domestic rice, had been substituted wholly or in part for the genuine article, to wit, fancy Japan style rice, and further in that it was coated in a manner whereby damage and inferiority were concealed. Misbranding was alleged for the reason that the product was labeled in large letters "Fancy Japan Style Rice" and in very small and inconspicuous letters "Grown in United States" and "this rice is finished by a coating of 1-1000th part of glucose and 1-3000th part talc, which will be removed by washing," which form of labeling was misleading and false as it conveyed the impres-

sion that the product consisted of a fancy Japan style rice, whereas examination showed it to consist of a very poor grade of domestic rice coated in such a manner as to conceal damage and inferiority. Misbranding was alleged for the further reason that the form of labeling deceived or misled the purchaser into the belief that he was securing fancy rice, whereas examination showed it to be a very poor grade of domestic rice; also the words "Grown in the United States" were so small and inconspicuous as to mislead or deceive the purchaser.

On April 14, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$15 and costs.

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

WASHINGTON, D. C., *September 10, 1913.*

2568

