

been arraigned at the bar of this court and said information read to them, for plea say they are guilty in manner and form as charged and throw themselves upon the mercy of the court.

And the district attorney moving for sentence, the court pronounced the following sentence, to wit: That each of said defendants pay a fine of five (\$5.00) dollars and the costs of this prosecution to be taxed. And said fine and costs are paid.

The facts in the case were as follows:

On November 22, 1907, an inspector of the Department of Agriculture purchased from the Washington Wholesale Drug Exchange, Washington, D. C., samples of a product labeled as follows: "Concentrated Oil of Pine Compound. The Globe Pharmaceutical Co., Dayton, Ohio."

One of the samples was subjected to analysis in the Bureau of Chemistry of the Department of Agriculture, and the result obtained showed that it consisted of a mixture of fixed oil, a resinous substance, and a small amount of volatile oil obtained by steam distillation resembling turpentine.

It was evident that the product was misbranded for the reason that the composition did not in any way warrant the use of the name "Concentrated Oil of Pine Compound," and the statement that it was such was false, misleading, and deceptive.

The Secretary of Agriculture having duly afforded the manufacturers an opportunity to show any fault or error in the findings of the analyst and they having failed to do so, the facts were reported to the Attorney-General and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said defendants with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., November 28, 1908.

(N. J. 31.)

ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of September, 1908, in the district court of the United

States for the district of Maryland, in a criminal prosecution by the United States against Charles Read, trading as C. Read & Company, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Maryland to Delaware an adulterated and misbranded food product, that is to say, a product labeled and branded "Rolan Self Yeasted Mountain Buckwheat," the said Charles Read entered a plea of guilty, whereupon the court imposed upon him a fine of \$25.

The facts in the case were as follows:

On December 18, 1907, an inspector of the Department of Agriculture purchased from Henry M. Lodge, Wilmington, Del., samples of a product labeled as follows: "Rolan Self Yeasted Mountain Buckwheat. One Pound. C. Read & Company, Baltimore, Md." A sample was subjected to analysis in the Bureau of Chemistry and the results showed that the product consisted of a mixture of buckwheat and maize.

In "Standards of Purity for Food Products," established under authority of the act of March 3, 1903, and published as Circular 19, Office of the Secretary, U. S. Department of Agriculture, buckwheat flour is defined as follows:

Buckwheat flour is bolted buckwheat meal and contains not more than twelve (12) per cent of moisture, not less than one and twenty-eight hundredths (1.28) per cent of nitrogen, and not more than one and seventy-five hundredths (1.75) per cent of ash.

It was evident that the product was both adulterated and misbranded; adulterated because it purported to be a buckwheat flour when, in fact, another substance, maize, had been mixed with it and substituted in part for the article. It was misbranded for the reason that it was labeled "Buckwheat," whereas it consisted of a mixture of buckwheat and maize.

The Secretary of Agriculture having, on April 9, 1908, afforded the manufacturer and dealer an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the district of Maryland, who filed an information against the said Charles Read with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., November 28, 1908.