

an information against the Albert Mackie Grocer Company (Limited), with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*

(N. J. 131.)

MISBRANDING AND ADULTERATION OF RYE 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 18th day of May, 1909, in the district court of the United States for the district of Minnesota, in a prosecution by the United States against the Hastings Milling Company, of Owatonna, Minn. (F. & D. No. 159), for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Minnesota to Iowa of a flour labeled "Perfecta Rye Flour" and "Rye Flour Compound," which was adulterated and misbranded, in that it was a mixture of rye flour and wheat flour, the said Hastings Milling Company entered a plea of guilty, whereupon the court imposed upon it a fine of \$10.

The facts in the case were as follows:

On October 31, 1907, an inspector of the Department of Agriculture purchased from F. Jacobs, Forest City, Iowa, a sample of a food labeled and branded "Hastings Milling Co. Perfecta Rye Flour, Owatonna, Minn.," and "Rye Flour Compound." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture, and was found to be a mixture of rye flour and wheat flour.

It was evident that the product was both adulterated and misbranded within the meaning of sections 7 and 8 of the act; adulterated because wheat flour had been mixed and packed with the rye flour, thereby reducing and lowering its quality and strength; and misbranded in that the sacks labeled "Perfecta Rye Flour" and "Rye Flour Compound" did not contain rye flour, but a mixture of rye and wheat flours.

The Secretary of Agriculture having, on May 20, 1908, 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 on August 22, 1908, and the case referred to the United States attorney for the district of Minnesota, who presented the facts to the grand jury, by whom an indictment was duly returned against the said Hastings Milling Company, with the result hereinbefore stated.

JAMES WILSON,
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