

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2650.

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

**U. S. v. 300 Sacks Dexter Horse Feed. Decree of condemnation by consent.
Product released on bond.**

ADULTERATION AND MISBRANDING OF HORSE FEED.

On or about April 12, 1913, the United States Attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, each containing 100 pounds of Dexter Horse Feed, remaining unsold in the original unbroken packages and in possession of J. E. Tate & Co., Memphis, Tenn., alleging that the product had been shipped on or about April 5, 1913, by the Virginia-Carolina Feed Co., St. Louis, Mo., and transported from the State of Illinois into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On sacks) "Horse and Mule Feed—Dexter—Every Feed a Good Deed—Manufactured by Allneeda Mills Co., East St. Louis, Ill.—Virginia-Carolina Feed Co.—St. Louis, Mo., Sole Distributors." (On shipping tags) "100 Lbs.—Dexter Horse Feed—Manufactured by Allneeda Mills Company, East St. Louis, Ill.—Guaranteed analysis: Protein 11.36%; Fat 2.43%; Fiber 17.17%; Carbo-Hydrates 43.58%. Mixture, Corn, Alfalfa, Meal and Molasses."

Adulteration of the product was alleged in the libel for the reason that the labels and brands on the sacks stated that the product contained protein 11.36 per cent, fat 2.43 per cent, fiber 17.17 per cent, carbohydrates 43.58 per cent, and that it was a mixture of corn, alfalfa meal, and molasses, when in truth and in fact, in addition to the constituents above mentioned, it contained oats, oat hulls, and factory sweepings to the extent of about 24 per cent of the whole,

and salt was also added to the product to the amount of about 1 per cent, and said oat hulls, factory sweepings, and salt had been packed with and substituted for corn, alfalfa meal, and molasses so as to lower and injuriously affect the quality of the feed. Misbranding was alleged for the reason that the brands and labels on the sacks were such as to indicate that corn, alfalfa meal, and molasses were the only ingredients of the product, when in truth and in fact oat hulls, factory sweepings, and salt had been added thereto, and said label was false and misleading and calculated to deceive the purchaser or purchasers, causing them to believe that the product was made wholly from corn, alfalfa meal, and molasses, and that the product contained 17.17 per cent fiber, when in truth and in fact it contained a greater quantity of fiber.

On May 13, 1913, the Allneda Mills Co., East St. Louis, Ill., claimant, having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 29, 1913.*