

Adulteration of the product was alleged in the libel for the reason that it contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been substituted wholly or in part for the genuine article, namely, mill run, as commercially known, and said product was further adulterated in that it consisted of 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed, packed with, and substituted for mill run, as commercially known, so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label upon the product was false and misleading in that it stated that said product was one commercially known as composed of middlings, shorts, and bran, which is the residue left after flour has been ground from the wheat, whereas, in truth and in fact, the product contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that it was offered for sale under the distinctive name of mill run, which is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, whereas, in truth and in fact, it was not mill run, but contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that the label thereon misled and deceived the purchaser into the belief that he was purchasing mill run, commercially known as hereinbefore described, whereas, in truth and in fact, said product contained 5.93 per cent of a foreign material, consisting chiefly of screenings.

On May 10, 1913, the said Kansas Flour Mills Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, in lieu thereof, that it should be redelivered to said claimant upon payment of all costs of the proceedings and execution of bond in the sum of \$650 in conformity with section 10 of the act. (It is the view of this department that mill run is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, as it goes to the rolls.)

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

WASHINGTON, D. C., *April 14, 1914.*

3072. Adulteration and misbranding of mixed feed. U. S. v. 4,800 Sacks of Mixed Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5153. S. No. 1762.)

On April 18, 1913, the United States attorney for the Western District of Missouri, 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 4,800 sacks of mixed feed remaining unsold in the original unbroken packages and in possession of the Joplin Hay Co., Joplin, Mo., alleging that the product had been shipped by the Rea-Patterson Milling Co., Arkansas City, Kans., from the State of Kansas into the State of Missouri, on January 9, January 13, January 16, January 18, January 21, February 7, February 11, February 12, and February 15, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "99 lbs. when packed. Mixed Feed. S P Sweet and Pure. Trade Mark. Registered. No. 64755. Ingredients Bran and Shorts. Guaranteed by the Rea-Patterson Milling Co. under the Food and Drugs Act June 30, 1906. Serial No. 16555. Guaranteed Analysis Fat 3.50 Protein 14.52 Carbo hydrates 57.33 fibre 7.90 The Rea-Patterson Milling Co. Coffeyville, Kan."

Adulteration of the product was alleged in the libel for the reason that each of the sacks contained 6.78 per cent of a foreign material consisting of cracked wheat and screenings which had been mixed, packed with, and substituted for bran and shorts so as to reduce, lower, and injuriously affect its quality and strength. Misbranding

was alleged for the reason that the labels upon the sacks were false and misleading in that the product purported to be a product consisting of bran and shorts, when, in truth and in fact, it consisted of bran, shorts, cracked wheat, and screenings. Misbranding was alleged for the further reason that the label and brand upon the sacks deceived and misled the purchaser into the belief that the product consisted of bran and shorts, whereas it consisted of bran, shorts, cracked wheat, and screenings.

On April 24, 1913, the said Rea-Patterson Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the 38 sacks of the product that had been seized should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$150 in conformity with section 10 of the act.

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

WASHINGTON, D. C., *April 14, 1914.*

3073. Adulteration of wheat bran. U. S. v. 400 Sacks Soft Winter Wheat Bran. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5162. S. No. 1769.)

On April 17, 1913, the United States attorney for the Middle District of Pennsylvania, 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 400 sacks, each containing 100 pounds of a product purporting to be soft winter wheat bran, remaining unsold in the original unbroken packages and in possession of the Cumberland Valley Railroad, Dillsburg, Pa., alleging that the product had been shipped on or about December 25, 1912, to Bernet Kraft & Kaufman Mill Co., notify Jonas F. Ebey & Son, Lancaster, Pa., and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was shipped as wheat bran, thereby indicating and publishing and intending thereby to publish and declare that the contents of each sack was wheat bran, whereas, in truth and in fact, it was not such genuine wheat bran, but contained 26.47 per cent of foreign matter, consisting almost entirely of wheat screenings which had been mixed and packed with and substituted for wheat bran so as to reduce or lower or injuriously affect its quality and strength.

On May 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

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

WASHINGTON, D. C., *April 14, 1914.*

3074. Adulteration and misbranding of Majestic Beer. U. S. v. Independent Brewing Co. Plea of non vult contendere. Fine, \$50 and costs. (F. & D. No. 5163. I. S. No. 1308-e.)

On November 7, 1913, the United States attorney for the Eastern District of Pennsylvania, 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 Independent Brewing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on September 12, 1912, from the State of Pennsylvania into the State of New Jersey, of a quantity of a product described as Majestic beer, which was adulterated and misbranded. The product was labeled: (Tin top) "Drink Majestic Beer." (Molded in shoulder of bottle) "Independent B. Co." (Paper label) "Brewed from choice malt and hops. Pilsener type. Majestic Light Beer. The Independent Brewing Co., Philadelphia, Pa. Registered U. S.