

4835. Adulteration and misbranding of horse feed. U. S. v. W. J. Byrnes & Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6095. I. S. No. 27842-e.)

On June 11, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. J. Byrnes & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 4, 1913, from the State of Illinois into the State of Indiana, of a quantity of horse feed which was adulterated and misbranded. The article was labeled, in part: (On bag) "100 Lbs. Banner Horse Feed—Guaranteed Analysis: Fat 3%; Protein 10%; Fibre 8%; Carbohydrates 60%; made from rolled oats and cracked corn, manufactured by J. Byrnes & Co., Chicago, Ill." (On tag) "\$50 fine for using this tag second time. No. 3115. 100 pounds W. J. Byrnes & Co. of Chicago, Ill., guarantees this Banner Horse Feed to contain not less than 3.0% of crude fat; 10.0% of crude protein and to be compounded from the following ingredients: corn, rolled barley, and rolled oats * * *."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the presence of corn and rolled oats, 7.25 per cent of weed seeds and stems, and no barley.

Adulteration of the article was alleged in the information for the reason that a mixture of corn, rolled oats, weed seeds, and stems had been substituted, in whole or in part, for a mixture of corn, rolled barley, and rolled oats, which the article purported to be, and for the further reason that weed seeds and stems had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, appearing on the label aforesaid, to wit, "Made from rolled oats and cracked corn" and "Compounded from the following ingredients: corn, rolled barley, and rolled oats," were false and misleading in that they indicated to the purchasers thereof that the article consisted wholly of corn, rolled barley, and rolled oats; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of corn, rolled barley, and rolled oats, when, in truth and in fact, it did not, but did consist of a mixture of corn, rolled oats, weed seeds, and stems.

On June 29, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN,
Acting Secretary of Agriculture.