

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 171, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF STOCK FEED.

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 9th day of June, 1909 in the District Court of the United States for the Southern District of Georgia a judgment was entered in the below entitled case wherein a libel was filed under section 10 of the aforesaid Act alleging in substance that 350 sacks of a product labeled and branded on each sack, "100 lbs. Banner Feed, made by the Quaker Oats Company, Chicago, Illinois," and on tags attached to each sack, "100 lbs. Banner Feed—The Quaker Oats Company, Manufacturers and Distributors, Chicago, Ill. Guaranteed Analysis: Crude Protein 10%, Crude Fat 4%, Crude Fibre 9%, Carbohydrates, Starch and Sugar 63%. Made from Corn, Wheat Flour, Oat Feed and 50 lbs. Cotton Seed Meal per ton," which had been shipped from Baltimore, Maryland to N. Dewald & Co., at Savannah, Georgia, were adulterated and misbranded in that oat hulls constituting 10% of the mixture, were mixed and packed with it so as to lower, reduce and injuriously affect its quality and strength; in that oat hulls have been substituted in part for the oat feed; in that the said labelling was misleading in not indicating the presence of oat hulls. The libel prayed process against all claimants to the above described property and seizure and condemnation of the same. N. Dewald, trading as N. Dewald & Co., appeared as claimant to the said Banner Feed and filed a stipulation admitting the allegations of the libel, whereupon the Court rendered its decree in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DIVISION OF THE SOUTHERN DISTRICT OF GEORGIA.

THE UNITED STATES
vs.
350 SACKS OF BANNER FEED. } Libel in Rem for Condemnation, under Pure Food
and Drugs Act.

DECREE.

Upon hearing and considering the above stated libel for condemnation, filed on behalf of the United States against the said 350 Sacks of Banner Feed, under which it

appears from the return of the Marshal that only 267 Sacks were found and seized, and the claim and stipulation filed by N. Dewald & Company, N. Dewald being the sole proprietor, under which the said N. Dewald appears as claimant and owner of said 267 sacks of Banner Feed;

And the said N. Dewald as N. Dewald & Company agreeing that the said 267 sacks of Banner Feed seized as aforesaid under said libel, were subject to seizure and confiscation by the United States on the grounds and for the causes set forth in the libel herein, and that an order shall be at once entered condemning and confiscating the said property to the United States, but reserving the right to pay the costs of this proceeding and to reclaim possession of said property upon furnishing a good and sufficient bond to be approved by the Court, conditioned as provided by law;

It is thereupon ordered and decreed that the said 267 sacks of Banner Feed be, and they are hereby, condemned and confiscated to the United States, upon the grounds and for the causes set forth in said libel; but that upon the said N. Dewald furnishing a good and sufficient bond to be approved by the Court, conditioned as provided by the said Pure Food & Drugs Act of the Congress of the United States, and upon the payment by said N. Dewald of all the costs of this proceeding, the Marshal is authorized and directed to deliver possession of said 267 sacks of Banner Feed over to the said N. Dewald & Company, as the owner thereof.

This 9th day of June, 1909.

EMORY SPEER,
United States Judge.

The facts which led to the filing of the above libel were as follows:

On or about May 11, 1909, an inspector of the United States Department of Agriculture found in the possession of N. Dewald & Co. 350 sacks, more or less, of the product as above described which had been manufactured by the Quaker Oats Co., of Chicago, Ill. and shipped from Baltimore, Maryland to the said N. Dewald & Co., at Savannah, Georgia. A sample from the above consignment was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain 10% of oat hulls. The above analysis having disclosed an adulteration and misbranding of the product, the Secretary of Agriculture reported the facts to the United States Attorney for the Southern District of Georgia, who filed the above libel with the results hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*