

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 256, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF STOCK FOOD.

Sixty barrels of a stock food labeled "Molasses Grains," were discovered by an inspector of the Bureau of Chemistry, United States Department of Agriculture, in the possession of the Potomac & Chesapeake Steamboat Company. An analysis of samples of this product was made in the Bureau of Chemistry, United States Department of Agriculture, and it was shown to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said 60 bags of molasses grains stock food, charging adulteration of the product within the meaning of the act, in that a large proportion of rice hulls had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the genuine food product, and charging misbranding of the product within the meaning of the act, in that it was labeled "Molasses Grains," "125 lbs. Analysis; Molasses 40 to 50%, protein 1%, fat 1%, fibre not exceeding 25%. Ingredients: cottonseed meal, molasses, oats and barley clippings and screenings, and sprouts. Manufactured by E. P. Mueller, Norfolk, Va.," which statements were false, misleading and deceptive, in that the product was not composed of the ingredients named in the label, but consisted in part of a large proportion of rice hulls, and did not contain oats or barley clippings or screenings and sprouts, and only contained a small amount of rice starch and a bare trace of cottonseed and

alfalfa, and that they had been shipped by E. P. Mueller, Norfolk, Va., from Virginia to the District of Columbia, and praying seizure, condemnation, and forfeiture.

On January 21, 1910, Herbert P. Pillsbury entered an appearance and filed a plea of *nolo contendere*, and the case coming on for final hearing, the court rendered its decree of condemnation and forfeiture in substance and form as follows:

In the Supreme Court of the District of Columbia holding a District Court.

UNITED STATES OF AMERICA	}	District No. 859.
<i>vs.</i>		
SIXTY BAGS, MORE OR LESS,		
of Molasses Grains Stock Food.		

JUDGMENT OF CONDEMNATION.

Upon motion of the United States for judgment of condemnation in the above entitled cause, and it appearing to the Court that upon the libel filed herein on January 15th, A. D. 1910, the Marshal of the United States for the District of Columbia has seized twenty-nine bags of Molasses Grains Stock Food; and it further appearing to the Court that Herbert P. Pillsbury has entered his appearance herein as owner of the said bags of stock food, and has filed herein his plea of *nolo contendere* that he will not contend with the United States in this cause, and no objection being signified to the Court; and it further appearing that each and every bag of the said stock food bears a label stating: "125 lbs. Molasses Grains. Analysis: Molasses 40 to 50%, protein 1%, fat 1%, fibre not exceeding 25%. Ingredients: cottonseed meal, molasses, oats and barley clippings and screenings and sprouts. Manufactured by E. P. Mueller, Norfolk, Va.," and that these statements are exaggerated, false and misleading in this, that none of the bags of said stock food contain oats or barley clippings, nor do they contain screenings or sprouts, and further in this, that each of said bags contain only a small amount of rice starch and a bare trace of cottonseed and alfalfa, and further in this, that such label bears the brand: "Molasses Grains," and the said bags and each of them contain no whole grain, but only the by-product from rice, and further in this, that the bags and each of them contain a product not named in the label, that is to say, each bag contains tissues consisting in a large measure of rice hulls, and the said bags are misbranded within the meaning of the Act of Congress approved June thirtieth, A. D. 1906; and it further appearing to the Court that each and every bag of the said stock food is adulterated in that the said bags of stock food contain a substance which has been mixed and packed with the contents of said bags so as to reduce and lower and injuriously affect the quality and strength of the contents of said bags and each of them, that is to say, rice hulls, has been substituted in part for the cottonseed meal and oats and barley clippings and screenings and sprouts in said food, and further in this, that the bags and each of them contain an ingredient not stated upon said label, that is to say, rice hulls, which said rice hulls are deleterious and such as to render the food product injurious to the health of animals and stock, all in violation of the said Act of Congress approved June thirtieth, A. D. 1906; and it further appearing that the said bags of stock food and each of them have been transported from the city of

Norfolk, state of Virginia, to the District of Columbia, and remain unsold in said District, and are offered for sale in said District;

It is this 21st day of January, A. D. 1910,

Adjudged, ordered and decreed: That the said twenty-nine bags of Molasses Grains Stock Food in the custody of the United States Marshal for the District of Columbia, are misbranded and adulterated, within the meaning of the said Act of Congress approved June thirtieth, A. D. 1906; and that the statements made upon the labels regarding the ingredients and substances contained therein are exaggerated, false and misleading as herein recited, and the substances contained in said bags and each of them are adulterated as herein further recited.

It is further ordered: That the said twenty-nine bags of Molasses Grains Stock Food be and they are hereby condemned and they shall be disposed of by destruction by the said United States Marshal under such terms and conditions as will not violate the provisions of the said Act of Congress approved June thirtieth, A. D. 1906.

It is further ordered: That the respondent, Herbert P. Pillsbury, pay all the costs of these proceedings.

By the Court.

WENDELL P. STAFFORD,  
*Justice.*

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *March 8, 1910.*

