

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 625, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF "HEN-E-TA BONE GRITS."

On or about March 3, 1909, the Hen-e-ta Bone Company, Flemington, W. Va., shipped from the State of West Virginia to the State of Pennsylvania a quantity of a food product labeled "Hen-e-ta Bone Grits 30 per cent pure bone ash. Manufactured by Hen-e-ta Bone Company, Flemington, W. Va." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Hen-e-ta Bone Company, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Hen-e-ta Bone Company in the District Court of the United States for the Northern District of West Virginia, charging the above shipment and alleging that the product was adulterated, in that some other substance had been substituted wholly for the bone which the label above set forth represented it to contain; and alleging the product to be misbranded, in that the statements on the labels aforesaid regarding the article and the ingredients contained therein are false and misleading; and in that said bone grits is an imitation and does not contain bone.

On June 15, 1910, the case came on for hearing and the defendant, upon arraignment, entered a plea of not guilty to the above informa-

tion, whereupon the testimony of the witnesses for the Government was heard, and upon the termination thereof the defendant moved the court that the jury be directed to return a verdict of not guilty, which motion was granted, and the jury, upon direction of the court, returned a verdict of not guilty.

Decisions of United States district and circuit courts and of United States circuit courts of appeals adverse to the Government will not be accepted as final until acquiescence shall have been published.

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., *October 6, 1910.*

