

4542. Adulteration and misbranding of "Sunbeam Middlings." U. S. v. John Schultz et al. (Schultz, Baujan & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6756. I. S. No. 12822-h.)

On February 25, 1916, the United States attorney for the Southern 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 John Schultz, Edward E. Schultz, Alfred G. Schultz, and Clarence J. White, trading as Schultz, Baujan & Co., Beardstown, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 7, 1914, from the State of Illinois into the State of Indiana, of a quantity of "Sunbeam Middlings," which article was adulterated and misbranded. The article was labeled, in part: "\$50 Fine for using this tag a second time No. 4576. 100 pounds. Schultz, Baujan & Company, of Beardstown, Ill., Guarantees this Sunbeam Middlings to contain not less than 4.0 per cent of crude fat, 16.0 per cent of crude protein and to be compounded from the following ingredients: Wheat middlings * * *. Not good for more than 100 Pounds."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Pieces of weed seeds and grains, including a small amount of corn,	
(per cent)-----	6.0
Chaff (per cent)-----	0.26

Total foreign matter (per cent)-----	6.26
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The foreign material is mostly added ground screenings.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, ground screenings, had been mixed and packed therewith so as to reduce and lower, or injuriously affect its quality and strength and had been substituted, in whole or in part, for wheat middlings, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Sunbeam Middlings * * * compounded from the following ingredients: Wheat Middlings," was false and misleading in that it indicated to purchasers thereof, and was such as to deceive and mislead purchasers into the belief, that the article consisted wholly of wheat middlings, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of wheat middlings and ground screenings.

On February 26, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4543. Adulteration of desiccated eggs. U. S. v. 2 Half-Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6761. I. S. Nos. 17552-k, 17553-k. S. No. W-58.)

On July 23, 1915, the United States attorney for the Northern District of California, 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 2 half-barrels of desiccated eggs, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped and transported from the State of Texas into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed animal substance.

On August 10, 1915, 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 destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*