

4940. Misbranding of "Imperial Feed." U. S. \* \* \* v. Newport Mill Co., a corporation. Submitted to information. Fine, \$50 and costs. (F. & D. No. 7136. I. S. No. 22503-h.)

At the December, 1915, term of the District Court of the United States for the Eastern District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against the Newport Mill Co., a corporation, Loudon, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 9, 1914, from the State of Tennessee into the State of South Carolina, of a quantity of an article labeled in part, "Imperial Feed", which was misbranded.

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

Ether extract (crude fat) (per cent)-----	2.72
Protein (per cent)-----	11.40

Misbranding of the article was alleged in the information, for the reason that the following statement regarding it and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "\* \* \* Guaranteed analysis: Protein 13.00% \* \* \* fat 4.00% \* \* \*," was false and misleading, in that it indicated to purchasers thereof that the article contained 13 per cent protein and 4 per cent of fat, and for the further reason that it was labeled: "\* \* \* Guaranteed analysis: Protein 13.00% \* \* \* fat 4.00%, \* \* \*" so as to deceive and mislead purchasers into the belief that it contained 13 per cent of protein and 4 per cent of fat, when, in truth and in fact, it did not, but contained a less amount thereof, to wit, 11.40 per cent protein and 2.72 per cent of fat.

On June 16, 1916, the defendant company entered its submission to the information, and the court imposed a fine of \$50 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*