

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1846.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED GRAHAM FLOUR.

On June 10, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Loff Jacobs, Pomeroy, Ohio, alleging shipment by him, in violation of the Food and Drugs Act, on September 28, 1911, from the State of Ohio into the State of West Virginia of a quantity of so-called graham flour which was adulterated and misbranded. The product was labeled: (On container, a corn meal bag) "Choice-Fresh Ground (Cut unhusked ear corn) Corn Meal. L. Jacobs, Pomeroy, Ohio." (Written on reverse side with pencil) "Graham."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that the coarse and fine middlings contain much bran, thus increasing the percentage of nitrogen in those products, over and above that found in bran, when as a matter of fact it should be lower, and decreasing correspondingly their gliadin number. The result is that the nitrogen content of these products is so high as to show that offal from extraneous sources was used in the preparation of this flour. This shows that this substance consists of a mixture of various products from different wheats, and is prepared in imitation of graham flour. Adulteration was alleged in the information for the reason that a certain substance, to wit, a mixture of various portions of different wheats prepared synthetically in imitation of graham flour, was mixed and packed as, for, and with the product purporting to be graham flour, so as to reduce, lower, and injuriously affect its quality and strength and for the further reason that a certain substance, to wit, a mixture of various

portions of different wheats prepared synthetically in imitation of graham flour, was substituted wholly or in part for what the product by its label purported to be, to wit, graham flour. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which statement, to wit, "Graham," was false, misleading, and deceptive, in that it was calculated, intended to, and did convey the impression and create the belief that the product was graham flour, as understood, known, and recognized by the trade and by the public generally, that is to say an unbolted wheat meal, whereas, in truth and in fact, the product was not such graham flour but was a mixture of various portions of different wheats prepared synthetically in imitation of graham flour. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that it was graham flour, as that product is understood, known, and recognized by the trade and public generally, whereas, in truth and in fact, it was not such graham flour but was a mixture of various portions of different wheats prepared synthetically in imitation of graham flour. Misbranding was alleged for the further reason that the product was a product consisting of a mixture of various portions of different wheats prepared synthetically in imitation of graham flour and was sold under and by the distinctive name of another article of food, to wit, graham flour, of which it was an imitation.

On June 10, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$5 and costs, aggregating \$19.45.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 24, 1912.*

