

**5030. Misbranding of "Molasses Fat Maker." U. S. \* \* \* v. American Milling Co., a corporation. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. No. 6739. I. S. Nos. 12828-h, 13504-k, 13506-k, 13507-k, 13509-k, 13511-k.)**

On May 2, 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 the American Milling Co., a corporation doing business at Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 9, September 29, September 3, October 21, September 9, and December 4, 1914, from the State of Illinois into the State of Indiana, of quantities of an article labeled in part, "Molasses Fat Maker," which was misbranded.

Analyses of a sample of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

The shipment of September 9, 1914.

Moisture (per cent)-----	13.54
Protein (nitrogen x 6.25) (per cent)-----	8.94
Ether extract (per cent)-----	2.45

The shipment of September 29, 1914.

Moisture (per cent)-----	14.0
Protein (nitrogen x 6.25) (per cent)-----	8.38
Ether extract (per cent)-----	1.80

The shipment of September 3, 1914.

Moisture (per cent)-----	12.4
Protein (nitrogen x 6.25) (per cent)-----	9.05
Ether extract (per cent)-----	2.17

The shipment of October 21, 1914.

Moisture (per cent)-----	14.8
Protein (nitrogen x 6.25) (per cent)-----	8.22
Ether extract (per cent)-----	1.55

The shipment of September 9, 1914.

Moisture (per cent)-----	10.77
Protein (nitrogen x 6.25) (per cent)-----	8.50
Ether extract (per cent)-----	2.33

The shipment of December 4, 1914.

Moisture (per cent)-----	16.2
Protein (nitrogen x 6.25) (per cent)-----	8.33
Ether extract (per cent)-----	2.27

It was alleged in substance in the information that the article in each shipment was misbranded for the reason that the statement, to wit, "American Milling Co., Peoria, Ill., Guarantees this Molasses Fat Maker to contain not less than 4% Crude Fat, 10% Crude Protein," borne on its label, was false and misleading in that it represented that said article contained not less than 4 per cent of crude fat and not less than 10 per cent of crude protein, and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 4 per cent of crude fat and not less than 10 per cent of crude protein, whereas, in truth and in fact, said article did contain less than 4 per cent of crude fat and less than 10 per cent of crude protein.

On October 16, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$250 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*