

**3912. Adulteration and misbranding of so-called bran. U. S. v. 1,200 Sacks \* \* \* of \* \* \* Wheat Bran. Product released on bond. Order of dismissal. (F. & D. Nos. 5009, 5010. I. S. Nos. 4741-e, 4744-e. S. No. 1672.)**

On January 28, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a District Court, a libel for the seizure and condemnation of 1,200 sacks, more or less, each containing 100 pounds, more or less, of an article having the appearance and consisting in part of wheat bran, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been shipped and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds Wheat Bran Manufactured From Pure Winter Wheat by the Dunlop Mills, Richmond, Va. Guaranteed Analysis: Protein—not under—14.5%; Fat—not under—4.%; Sugar and Starch (Carbohydrates)—not under—54.%; Fiber—not over—9.5%; Made from pure winter wheat."

Adulteration of the product was alleged in the libel for the reason that a certain other substance, to wit, screenings, had been mixed and packed with said product so as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that each of said sacks was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels indicated that the product was wheat bran, whereas, in truth and in fact, it was not wheat bran, nor entitled to be so called, but consisted in part of wheat bran and in part of another substance commonly known as screenings. Misbranding was alleged for the further reason that each of the sacks was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels on each of the sacks indicated that the product was wheat bran, when, in truth and in fact, it was not wheat bran, nor entitled to be so called, but consisted in part of wheat bran and in part of another substance, commonly known as screenings.

Thereafter the following stipulation was entered into between counsel for libelant and for the Dunlop Mills, Richmond, Va., claimant:

Whereas the above-entitled action is pending in the Supreme Court of the District of Columbia, and

Whereas, the Dunlop Mills, the manufacturers of said wheat bran, of Richmond, Va., have appeared as claimant in said action, and,

Whereas, the said claimant wishes to release the so-called wheat bran under the terms, conditions, and provisions of section 10 of the Food and Drugs Act of June 30, 1906, as amended August 23, 1912, and all other amendments thereto, if any there be, and to that end wishes to give a bond, as required by said act, and to release said bran and to have said cause dismissed, the said claimant herein having filed a satisfactory bond as provided by section 10 of the Food and Drugs Act of June 30, 1906, as amended August 12 [23], 1912,

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the above entitled action is hereby dismissed and the bran released from seizure.

On February 16, 1915, it appearing to the court that the product had been delivered to said claimant upon the giving of a satisfactory bond in accordance with the stipulation set out above, it was ordered by the court that the cause should be dismissed and that the claimant should pay the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*