

3958. Misbranding of dairy feed. U. S. v. Montgomery W. Voorheis (The Laclede Mills). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 5817. I. S. No. 27828-e.)

On December 5, 1914, the United States attorney for the Eastern 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 Montgomery W. Voorheis, trading under the name of The Laclede Mills, Mattoon, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 3, 1912, from the State of Illinois into the State of Indiana, of a quantity of dairy feed which was misbranded. The product was labeled: (On bag) "100 lbs. Alta Brand Dairy Feed Average Analysis:—Protein 20%; Fat 4%; Carbohydrates 54%; Fibre 12%; Manufactured by Laclede Mills St. Louis, Mo. Mattoon Plant." (On tag) "100 Lbs. Alta Dairy Feed manufactured by Laclede Mills, St. Louis, Mo. Average analysis: Protein 20%, Fat 4%, Carbohydrates 54%, Fiber 12%.—Composed of ground wheat, ground corn, ground oats, ground barley, brewer's dried grains, alfalfa meal, cottonseed meal, salt, molasses and ground grain screenings, from wheat, corn, oats, barley and flax." (On other tag) "\$50 fine for using this tag second time No. 4578—100 lbs. Laclede Mills of St. Louis, Mo. guarantees this Alta Dairy Feed to contain not less than 4.0% of crude fat, 20.0% of crude protein and to be compounded from the following ingredients: corn, oats, barley, cottonseed meal, alfalfa meal, brewer's grains, screenings from wheat, corn, oats, barley, and flax, salt and molasses. W. J. Jones, Jr. State Chemist. Purdue University Agricultural Experiment Station, Lafayette, Ind., Not good for more than 100 lbs."

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

Ether extract (crude fat) (per cent)	1.90
Protein (crude protein) (per cent)	13.81

Misbranding of the product was alleged in the information for the reason that the statement, to wit, "not less than 4% of crude fat, 20% of crude protein," borne on the label thereof, was false and misleading in that it purported and represented that the article contained not less than 4 per centum of crude fat and 20 per centum of crude protein, whereas, in truth and in fact, the article contained a less quantity of crude fat and crude protein, to wit, crude fat 1.90 per centum and crude protein 13.81 per centum; further, for the reason that the article was labeled and branded "to contain not less than 4% of crude fat, 20% of crude protein," so as to deceive and mislead the purchaser into the belief that the article contained not less than 4 per centum of crude fat and 20 per centum of crude protein, whereas, in truth and in fact, it contained a less quantity of crude fat and crude protein, to wit, crude fat 1.90 per centum and crude protein 13.81 per centum.

On March 10, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.