

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 231, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF BRAN.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of October, 1909, in the District Court of the United States for the Eastern District of Arkansas, in a prosecution by the United States against the Arkadelphia Milling Company, a corporation of Arkadelphia, Ark., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Arkansas to Louisiana a consignment of bran which was adulterated and misbranded, the said Arkadelphia Milling Company entered a plea of guilty and the court imposed upon it a fine of \$200.

The facts in the case were as follows:

On April 14, 1909, an inspector of the Department of Agriculture purchased from A. Bauer, of Alexandria, La., a sample of a cattle food labeled "Western Bran. Arkadelphia Milling Co. Crude Fat 3.20%, Crude Protein 12%, Fiber 15%, Carbo-Hydrate 50%." The sample was examined in the Bureau of Chemistry of the United States Department of Agriculture and it was found to consist of a mixture of bran and rice hulls. The product was therefore adulterated within the meaning of section 7 of the act in that a substance, namely, rice hulls, had been mixed and packed with it in a way to injuriously affect its quality and strength and was a deleterious ingredient which rendered the article injurious to health, inasmuch as the presence of the said rice hulls in the said bran, if fed in any considerable quantity to cattle, would irritate the gastro-intestinal tract; and was misbranded within the meaning of Section 8 of the act in that it was labeled "Western Bran," which statement was false and misleading because it tended to give the impression that the product was a genuine bran, when, in fact, it was a mixture of bran and rice hulls.

It appearing from the aforesaid examination that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to A. Bauer, the dealer from whom the sample was purchased, and the Arkadelphia Milling Company, the manufacturer and shipper, and gave them an opportunity to be heard. The Arkadelphia Milling Company being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid examination, and it being determined that the article was adulterated and misbranded, on September 18, 1909, the said Secretary reported the facts and evidence to the Attorney-General, by whom they were referred to the United States Attorney for the Eastern District of Arkansas, who filed an information against the Arkadelphia Milling Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 25, 1910.*