

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 391, FOOD AND DRUGS ACT.

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### MISBRANDING OF GLUTEN FEED.

On or about October 28, 1907, the Clinton Sugar Refining Company, of Clinton, Iowa, shipped from the State of Iowa to the State of New York a consignment of a food product each bag of which was labeled "This package contains 100 lbs. Clinton Gluten Feed. Analysis 24% to 26% protein, 2½% to 3% fat. Packed by Clinton Sugar Refining Co. General offices and factory, Clinton, Iowa." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Clinton Sugar Refining Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Iowa, charging the above shipment and alleging that the product was misbranded, in that the label represented the product to contain 24 to 26 per cent. of protein, which statement was false, misleading and deceptive in that the product contained but 19.82 per cent. protein.

On October 25, 1909, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50.00.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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