

Issued October 11, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 582, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OATS.

On or about May 19, 1909, Levi F. Miller, John E. Miller, Harvey C. Miller, and Morris F. Miller, trading as L. F. Miller & Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Florida a consignment of a food product contained in sacks, which were each labeled: "Miller's Fancy Clipped White Oats 100 lbs. Consolidated Grocery Co., Tampa, Fla."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said L. F. Miller & Sons and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 Eastern District of Pennsylvania against said L. F. Miller & Sons, charging the above shipment and alleging that the product was adulterated, in that barley, chaff, and miscellaneous seeds had been substituted in part for the article of food, to wit, white oats, which the said package purported to contain; and alleging the product to be misbranded, in that it was offered for sale under the distinctive name of "White Oats," the labels above set forth purporting the total and true contents of said sacks to be white

oats, whereas, in truth and in fact, the said sacks contained a large quantity, to wit, 18 per cent, of other substances than white oats, to wit, barley, chaff, and miscellaneous seeds.

On June 24, 1910, the above-mentioned defendants pleaded guilty to the above information and the court imposed a joint fine of \$100.

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

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 27, 1910.*

