

**3515. Misbranding of cattle feed. U. S. v. John R. Pepper and G. E. Patteson (G. E. Patteson & Co.).** Plea of nolo contendere. Fine, \$15 and costs. (F. & D. No. 5208. I. S. No. 14141-d.)

On August 11, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John R. Pepper and G. E. Patteson, Memphis, Tenn., a partnership doing business and trading under the firm name and style of G. E. Patteson & Co., alleging shipment by the defendant concern, in violation of the Food and Drugs Act, on or about December 30, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of cattle feed which was misbranded. The product was labeled: (On the bag containing said product) "100 Lbs. G. E. Patteson & Co. Suga-ration, Memphis, Tenn. 100 lbs. Suga-ration," and also bearing the picture of a horse head; (on tags) "100 Lbs. Suga-ration Stock Feed. Manufactured by G. E. Patteson & Co., Memphis, Tenn. Guaranteed analysis: Protein (6.25 times nitrogen) 11.65%; Starch and Sugar (Carbohydrates) 64%; Fat 3.50%; Fibre 11.04%. Made from Corn, Oats, Molasses, Alfalfa Hay and Cotton Seed Meal."

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

Moisture (per cent).....	13.03
Ether extract (per cent).....	2.20
Protein (per cent).....	9.89
Crude fiber (per cent).....	10.99
Reducing sugars (per cent).....	9.47
Sucrose (per cent).....	2.46

Misbranding of the product was alleged in the information for the reason that it bore certain brands and labels purporting to state thereon the ingredients thereof, which said labels were in the words and figures as set forth above, and which labels set forth that the product contained 11.65 per cent protein and 3.50 per cent fat, whereas, in truth and in fact, said product did not contain 11.65 per cent protein and [3.50 per cent] fat, [but] to wit, 9.89 per cent protein and 2.20 per cent fat. It was alleged that the product was further misbranded within the meaning of the second paragraph of section 8 of said Food and Drugs Act in the case of food, in that it was labeled and branded so as to mislead the purchaser or purchasers thereof, being labeled: "Protein 11.65% and fat 3.50%," thereby creating the impression that the product contained said amounts of said ingredients, whereas, in truth and in fact, said product did not contain said amounts, but a much less amount of said ingredients; and said representations and statements upon said brands and labels upon said cattle feed were false, untrue, misleading, and calculated to deceive the purchaser or purchasers of said cattle feed.

On June 20, 1914, a plea of nolo contendere was entered on behalf of the defendant concern and the court imposed a fine of \$15 and costs.

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

WASHINGTON, D. C., December 31, 1914.