

4067. Misbranding of "Darling's Digester Tankage for Hogs." U. S. * * * v. Darling & Co., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 5636. I. S. No. 27323-e.)

On June 5, 1915, the United States attorney for the Northern 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 Darling & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 12, 1912, from the State of Illinois into the State of Indiana, of a quantity of "Darling's Digester Tankage for Hogs" which was misbranded. The article was labeled: (On tag) "\$50.00 fine for using this tag second time. No. 2620 100 Lbs. Darling & Company of Chicago, Ill., Guarantee this Darling's 60% Digester Tankage to contain not less than 5% crude fat, 60% crude protein and to be compounded from the following ingredients Meat Product. W. J. Jones, Jr., State Chemist, Purdue University, Agricultural Experiment Station, Lafayette, Ind. Not good for more than 100 Pounds." (On bag) "100 Lbs. Darling's Darling's Digester Tankage for Hogs. Guaranteed Analysis: Protein 60%, Fat 5%, Fiber 5%. Manufactured by Darling & Company Union Stock Yards, Chicago, Ill."

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

Moisture (per cent).....	12. 65
Ether extract (per cent).....	0. 20
Protein (per cent).....	57. 84
Crude fiber (per cent).....	3. 70

Misbranding of the article was alleged in the information for the reason that the statement "5% crude fat," borne on the tags attached to the bags in which the article of food was shipped and delivered for shipment, and the statement "Fat 5%," borne on each of the bags aforesaid, were false and misleading in that said statements created the impression that the article of food contained 5 per cent fat or crude fat, whereas, in truth and in fact, the article of food did not contain 5 per cent fat or crude fat, but contained a much less amount of fat or crude fat. Misbranding was alleged for the further reason that the statement "60% crude protein," borne on each of the labels attached to the bags, and the statement "Protein 60%," borne on each of said bags, were false and misleading in that said statements created the impression that the article of food aforesaid contained 60 per cent protein or crude protein, whereas, in truth and in fact, the article of food did not contain 60 per cent protein or crude protein.

On June 22, 1915, the defendant company entered a plea of guilty to the information, and on June 30, 1915, the court imposed a fine of \$100 and costs.

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

WASHINGTON, D. C., November 17, 1915.