

4075. Misbranding of butter. U. S. v. George H. Gurler et al. (Gurler & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5776. I. S. No. 9657-e.)

On March 15, 1915, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Gurler and Charles H. Gurler, copartners, trading under the firm name of Gurler & Co., Cedar Rapids, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 1, 1913, from the State of Iowa into the District of Columbia, of a quantity of butter which was misbranded. The product was labeled: "16 oz. net weight Brookfield Extra Creamery Butter."

Examinations of samples of the product by the Bureau of Chemistry of this department showed the following results:

WEIGHTS 10 PRINTS.

Print No.—	Net weight.	Shortage.		Print No.—	Net weight.	Shortage.	
	Ounces.	Ounces.	Per cent.		Ounces.	Ounces.	Per cent.
1.....	15.85	0.15	0.94	6.....	15.64	0.36	2.25
2.....	15.69	.31	1.94	7.....	15.92	.08	.50
3.....	15.31	.69	4.31	8.....	15.45	.54	3.37
4.....	14.90	1.10	6.87	9.....	14.27	1.73	10.86
5.....	14.81	1.19	7.43	10.....	14.87	1.13	7.06

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "16 oz.," borne on the label attached to the package containing the article, was false and misleading in that it purported and represented that the contents of each of the packages weighed 16 ounces, whereas, in truth and in fact, the contents of each of said packages did not weigh 16 ounces, but did weigh a less amount; misbranding was alleged for the further reason that each package of the article was labeled "16 oz." so as to deceive and mislead the purchaser into the belief that the contents of each of the packages weighed 16 ounces, whereas, in truth and in fact, the contents of each of said packages did not weigh 16 ounces, but did weigh a less amount.

On April 6, 1915, a plea of guilty was entered on behalf of the defendants, and the court imposed a fine of \$10 and costs.

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

WASHINGTON, D. C., November 20, 1915.

4076. Adulteration and misbranding of graham flour. U. S. v. The North Star Feed and Cereal Co. Plea of guilty. Fine, \$40. (F. & D. No. 5781. I. S. Nos. 9855-e, 4720-e.)

On April 6, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The North Star Feed and Cereal Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 8, 1912, and February 7, 1913, from the State of Minnesota into the State of North Dakota, of quantities of graham flour which was adulterated and misbranded. The product in both shipments was labeled: (On tag attached to jute sack) "Wheat Graham Manufactured by The North Star Feed & Cereal Co., Minneapolis, Minn." (On bag containing the article) "North Star Feed and Cereal Co. Choice Graham Flour. Minneapolis, Minn. 10 Lbs. When Packed Choice Graham."

Examination of a sample of the product from one of the shipments, by the Bureau of Chemistry of this department, showed the following results:

Description.	Sifted.		Character.	Ash.	Nitrogen.	Alcohol-soluble nitrogen.
	Sieve No.	Per cent.				
Graham.....				<i>Percent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Bran.....	On 20.....	4.2	Clean, broad.....	2.04	2.68	1.01
Shorts.....	On 40.....	4.4	Clean.....		2.58	.547
Coarse middlings.....	On 70.....	7.4	Good.....		2.98	.716
Fine middlings.....	On 109.....	15.4	Poor, even grade.....		2.47	1.01
Flour.....	Through 109 ..	68.2	Poor.....	1.64	2.75	.877
					2.67	1.09

Examination of the product showed it to be a mixture of bran, shorts, low-grade flour, and other mill products made in imitation of graham flour.

Analysis of a sample from the other shipment, by said bureau, showed the following results:

Description.	Sifted.		Character.	Ash.	Nitrogen.	Alcohol-soluble nitrogen.
	Sieve No.	Per cent.				
Graham.....				<i>Percent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Bran.....	On 20.....	4.5	Broad, clean.....	2.08	2.72	1.25
Shorts.....	On 40.....	4.7	Clean.....		2.51	.540
Coarse middlings.....	On 70.....	8.5	Good.....		2.73	.702
Fine middlings.....	On 109.....	15.8	Poor, even texture.....		2.27	.997
Flour.....	Through 109 ..	66.1	Poor.....	1.63	2.82	1.20
					2.71	1.26

Examination of the product showed it to be a mixture of bran, shorts, low-grade flour and other mill products made in imitation of graham flour.

Adulteration of the product in both shipments was alleged in the information for the reason that a substance, to wit, a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and, further, for the reason that a substance, to wit, a mixture consisting of an inferior grade of flour, bran, shorts, and other mill products, had been substituted, wholly or in part, for choice graham flour which the article purported to be.

Misbranding of the product in both shipments was alleged for the reason that the statement, to wit, "Choice Graham Flour," borne on the label thereof, was false and misleading in that it purported and represented the article to be a choice graham