4703. Misbranding of Portage stock feed. U. S. * * * v. Akron Feed & Milling Co. Plea of guilty. Fine, $20 and costs. (F. & D. No. 7133. I. S. Nos. 2976–k, 3602–k.)

On April 24, 1916, the United States attorney for the Northern District of Ohio, 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 Akron Feed & Milling Co., a corporation, Akron, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 3, 1914, and March 13, 1915, from the State of Ohio into the State of Maryland, of quantities of "Portage Stock Feed," which article in each case was misbranded. The feed in both shipments was labeled: "100 Pounds Net When Packed Portage Stock Feed Made by The Akron Feed & Milling Co. Akron, Ohio Guaranteed Crude Protein 10% Crude Fat 4% Crude Fiber 10% Made from either White or Yellow Shelled Corn, Barley, Oat Shorts, Oat Hulls, Oat Middlings and ½ of one per cent of Salt."

Analysis by the Bureau of Chemistry of this department of a sample of the article shipped October 3, 1914, showed the following results:

Moisture (per cent)	7.89
Ether extract (crude fat) (per cent)	4.51
Crude fiber (per cent)	15.77
Crude protein (per cent)	9.13

Misbranding of the article was alleged in the information for the reason that the following statements regarding it and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Crude Protein 10% * * * Crude Fiber 10%," were false and misleading in that they indicated to purchasers thereof that the article contained 10 per cent of crude protein and not more than 10 per cent of crude fiber, when, in truth and in fact, it did not contain 10 per cent of crude protein and did contain more than 10 per cent of crude fiber, to wit, 9.13 per cent of crude protein and 15.77 per cent of crude fiber. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained 10 per cent of crude protein and not more than 10 per cent of crude fiber when, in truth and in fact, it did not contain 10 per cent of crude protein and did contain more than 10 per cent of crude fiber, to wit, 9.13 per cent of crude protein and 15.77 per cent of crude fiber.

Analysis by said Bureau of Chemistry of a sample of the article shipped March 13, 1915, showed the following results:

Moisture (per cent)	8.90
Ether extract (crude fat) (per cent)	3.66
Crude fiber (per cent)	12.90
Crude protein (per cent)	7.94

Misbranding of the article was alleged in the information for the reason that the following statements regarding it and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Crude Protein 10% Crude Fat 4% Crude Fiber 10%," were false and misleading in that they indicated to purchasers thereof that the article contained 10 per cent of crude protein, 4 per cent of crude fat, and not more than 10 per cent of crude fiber, when, in truth and in fact, it did not contain 10 per cent of crude protein or 4 per cent of fat and did contain more than 10 per cent of crude fiber, to wit, 7.94 per cent of crude protein, 3.66 per cent of crude fat, and 12.90 per cent of crude fiber. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief

that it contained 10 per cent of crude protein, 4 per cent of crude fat, and not more than 10 per cent of crude fiber, when, in truth and in fact, it did not contain 10 per cent of crude protein nor 4 per cent of crude fat and did contain more than 10 per cent of crude fiber, to wit, 7.94 per cent of crude protein, 3.66 per cent of crude fat, and 12.90 per cent of crude fiber.

On May 22, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*