

5034. Adulteration and misbranding of "Gem Scratch Feed," "Manna Superb Chick Feed," and "Manna Rice Special Chick Feed." U. S. * * * v. Edgar-Morgan Co., a corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6798. I. S. Nos. 6478-h, 6479-h, 6480-h.)

On September 27, 1916, 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 the Edgar-Morgan Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 16, 1914, and March 30, 1914, from the State of Tennessee into the State of Georgia, of quantities of feed which was adulterated and misbranded. The various shipments were labeled in part: "* * * Manna Superb Chick Feed * * * Made from Wheat, Kaffir, Millett and Corn * * *, M'f'd by Edgar-Morgan Co., Memphis, Tenn." "* * * Manna Rice Special Chick Feed * * *, Wheat, Rice, Millet and Kaffir Corn * * *, M'f'd by Edgar-Morgan Co., Memphis, Tenn." "* * * Gem Scratch Feed * * *, Corn, Wheat, Kaffir, Sunflower, Buckwheat, Barley, Oats * * *, Fat 3.5% * * *, M'f'd by Edgar-Morgan Co., Memphis, Tenn."

Analysis of a sample of the "Manna Superb Chick Feed" by the Bureau of Chemistry of this department showed that it contained kafir, corn, millet, wheat, and at least 5 per cent of weed seeds, and a trace of sunflower seed.

Adulteration of the article was alleged in the information for the reason that a substance—to wit, weed seeds—had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for chick feed, an article consisting exclusively of wheat, kafir, millet, and corn, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Made from Wheat, Kaffir, Millet and Corn," borne on the tags attached to the bags containing the article was false and misleading in that it represented that said article was made exclusively from wheat, kafir, millet, and corn, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made exclusively from wheat, kafir, millet, and corn, whereas, in truth and in fact, it was not, but was made from kafir, corn, millet, wheat, and weed seeds.

Analysis of a sample of the "Manna Rice Special Chick Feed" by said Bureau of Chemistry showed that it contained millet, kafir corn, rice, wheat, and at least 10.8 per cent of weed seeds.

Adulteration of this article was alleged in the information for the reason that a substance—to wit, weed seeds—had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for "Manna Rice Special Chick Feed," an article consisting exclusively of wheat, rice, millet, and kafir corn, which the article purported to be.

Misbranding was alleged for the reason that the statement—to wit, "Wheat, Rice, Millet and Kaffir Corn"—borne on the tags attached to the bags containing the article was false and misleading in that it represented that said article consisted exclusively of wheat, rice, millet, and kafir corn, and was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article consisted exclusively of wheat, rice, millet, and kafir corn, whereas, in truth and in fact, it did not, but consisted of wheat, rice, millet, kafir corn, and weed seeds.

Analysis of a sample of the "Gem Scratch Feed" by said bureau of Chemistry showed that it contained oats, sunflower seed, corn, wheat, barley, kafir corn, and at least 6.1 per cent of weed seeds, and 2.3 per cent of ether extract.

Adulteration of this article was alleged in the information for the reason that a substance, to wit, weed seeds, had been mixed and packed with the article, so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for "Gem Scratch Feed," an article consisting exclusively of corn, wheat, barley, kafir, sunflower, buckwheat, and oats, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fat 3.5%," borne on the tags attached to the bags containing the article, and the statement, to wit, "Corn, wheat, kafir, sunflower, buckwheat, barley, oats," borne on the bag, were false and misleading, in that they represented that said article contained 3.5 per cent of fat and that said article consisted exclusively of corn, wheat, kafir, sunflower, buckwheat, barley, and oats, whereas, in truth and in fact, it did not, but did contain a less amount of fat—to wit, 2.3 per cent of fat—and did consist of corn, wheat, kafir corn, barley, sunflower seed, oats, and weed seeds.

On December 23, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*