

It was evident, therefore, that the goods were misbranded, in violation of section 8 of the Food and Drugs Act of June 30, 1906, and on June 22, 1908, the facts were reported by the Secretary of Agriculture to the Attorney-General, who referred them to the United States attorney for the western district of Missouri. Libel for seizure and condemnation, under section 10 of the act, was duly filed in the district court of the United States for said district, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved :

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 26, 1909.*

(N. J. 40.)

MISBRANDING OF CANNED CORN.

(AS TO PRESENCE OF SACCHARIN.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of September, 1908, in the district court of the United States for the western district of Tennessee, in a proceeding of libel for condemnation of 800 cases of misbranded corn, that is to say, corn labeled "Packed with Heyden Sugar" when in fact it was not so packed, but with a sweet substance known as saccharin, wherein the United States was libelant and Smith-Yingling Company, of Westminster, Md., was claimant, the said claimant having failed to answer and the case having come on for a hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows :

In the district court of the United States for the western division of the western district of Tennessee.

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| THE UNITED STATES OF AMERICA, | } |
| <i>vs.</i> | |
| EIGHT HUNDRED AND FIFTY CASES OF CANNED CORN. | |

In this cause it appearing to the court, the United States, by Casey Todd, acting United States attorney, and the Smith-Yingling Company, of Westminster, Maryland, the claimant and owner of the property seized herein, by their attor-

ney, Thos. J. Turley, consenting thereto, that under the process issued in this cause, eight hundred cases of the canned corn branded "Oriole Brand Sugar Corn Packed with Heyden Sugar, by Smith-Yingling Company, Westminster, Maryland," were seized by the United States marshal in the warehouses of Chism-Thompson Co., Oliver-Finnie Co., and W. C. Early Company, in the city of Memphis, Shelby County, Tennessee, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein, that is to say, for the reason that said eight hundred cases of canned corn were misbranded in that said corn was packed with a substance known as saccharin, which substance was and is in no sense a sugar, and that said brand on said cans of corn and on said cases were and are misleading and calculated to deceive purchasers,

And it further appearing to the court, by like consent, that the Smith-Yingling Company have agreed that an order may be entered at once, condemning and confiscating said property to the United States,

It is therefore ordered, adjudged, and decreed by the court that said eight hundred cases of canned corn above described, now in possession of the marshal of this court, be, and the same are hereby, declared to be forfeited and confiscated to the United States.

It is further ordered, however, that upon payment by the Smith-Yingling Company, claimant, of the costs of this proceeding and the execution and delivery of a good and sufficient bond to be filed with the clerk of this court, conditioned that the said eight hundred cases of canned corn shall not be sold or otherwise disposed of contrary to the provisions of the act of Congress, chapter 3915, of the 59th Congress, commonly known as the Pure Food and Drugs Act, or contrary to the laws of the State of Tennessee, then the marshal of this court is hereby directed to deliver said eight hundred cases of canned corn to the Smith-Yingling Company, claimant, or their attorney or representative.

But in event said Smith-Yingling Company shall fail to pay the costs of this proceeding, or fail to give the bond as above provided within fifteen days from the date of entry of this order, then the marshal of this court is hereby directed, after first properly branding said eight hundred cases of canned corn, to advertise the same for sale in some newspaper published in the city of Memphis, Tennessee, for a period of fifteen days, and sell the same on the premises of the warehouses of the firms hereinbefore mentioned, in the city of Memphis, Shelby County, Tennessee, for cash, to the highest bidder.

Enter.

MCCALL, J.

The facts in this case were as follows:

On August 13, 1908, an inspector of the Department of Agriculture found 850 cases of canned corn in the possession of the following-named companies at Memphis, Tenn.: Chism-Thompson Co., 400 cases; Oliver-Finnie Co., 300 cases; W. C. Early Co., 150 cases. Each case contained a number of cans of corn which were branded "Oriole Brand Sugar Corn, Packed with Heyden Sugar, by Smith-Yingling Co., Westminster, Md.," and which had been shipped by the Smith-Yingling Co. to the companies above mentioned.

A sample of the corn was analyzed by the Bureau of Chemistry and it was found that a sweet substance known as saccharin had been substituted wholly for sugar. Saccharin is not a sugar and the use of the phrase "Packed with Heyden Sugar" was, therefore, false and misleading. On August 13, 1908, the facts were reported by the Secretary

of Agriculture to the United States attorney for the western district of Tennessee. Libel for seizure and condemnation, under section 10 of the act, was duly filed in the court aforesaid with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved :

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 26, 1909.*

(N. J. 41.)

ADULTERATION OF WATER.

(GREAT BEAR SPRING.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 20th day of October, 1908, in the Supreme Court of the District of Columbia holding a district court of the United States, in a proceeding of libel for condemnation of 350 cases and 100 demijohns of water labeled "Great Bear Spring Water," adulterated in that it contained the colon group of organisms which rendered it unfit for consumption, wherein the United States was libelant and the Great Bear Spring Company, of Washington, D. C., was claimant, the said claimant having filed its answer and the cause having come on for hearing, a decree of forfeiture, condemnation, and destruction was rendered, in substance and in form as follows :

In the Supreme Court of the District of Columbia holding a District Court of the United States for said District.

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| UNITED STATES OF AMERICA | } No. 786, District Docket. |
| <i>vs.</i> | |
| 350 CASES AND 100 DEMIJOHNS OF WATER LABELED "GREAT BEAR SPRING." | |

This cause having come on to be heard, upon the libel filed herein, the warrant of arrest issued thereunder, the return of the marshal, showing that he has made seizure under the said warrant of arrest, and the answer of the respondent and claimant, the Great Bear Spring Company, a corporation, filed herein, admitting the averments of the said libel and consenting to a judgment for condemnation; and thereupon, upon consideration thereof, it is, this twentieth day of October, A. D. 1908, ordered, adjudged, and decreed that the said three hundred and fifty cases, more or less, and the said one hundred demijohns, more or