

LeGrand, Threadcroft Co., Sole Agents for Eastern Virginia and North Carolina." The meal was destined for a dealer at Norfolk, Va., and had been shipped via the Chesapeake and Ohio Railroad from Covington, Ky., by the S. W. Weilder Co., of Cincinnati, Ohio, to itself, with instructions to notify the LeGrand, Threadcroft Company, Norfolk, Va.

Previous investigations of one of the inspectors of the Department of Agriculture had developed that the output of the mill where this meal was produced was not ground by the water process or in burr mills, but by steam roller process. Hence the statement on the sacks "Best Water Ground Style" was false, misleading, and deceptive and the meal was misbranded within the meaning of section 8 of the Food and Drugs Act. Upon report of the inspector of the foregoing facts, the Secretary of Agriculture, on September 4, 1908, reported them to the United States attorney for the eastern district of Virginia. Libel for seizure and condemnation of the meal was duly filed under section 10 of the act, and upon its arrival at Norfolk, Va., seizure was effected and notice given to S. W. Weilder, the consignor and claimant, 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., *March 13, 1909.*

(N. J. 45.)

ADULTERATION AND MISBRANDING OF WHISKEY.

(AS TO COLOR, AGE, AND SOURCE.)

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 of the judgment of the court in the case of the United States *v.* 4 barrels of liquor purporting to be whiskey, a proceeding of libel for condemnation of said liquor, wherein Chas. H. Ross & Company, Baltimore, Md., were claimants, lately pending, and finally determined on November 12, 1908, in the supreme court of the District of Columbia by the rendition of a decree of forfeiture and condemnation, and redelivery to the claimants under section 10 of the act, as will more fully appear by reference to said decree hereinafter particularly set out.

The said four barrels of liquor were each labeled and branded on the label end thereof "J. Jackson, Old Rye Whiskey," and on the stamp

end thereof "Whiskey Compound with Grain Distillates, Chas. H. Ross and Co., Baltimore, Md.," and in the libel for seizure and condemnation thereof it was alleged and charged as follows:

Your libellant further represents that said four barrels of said liquid and each and every one thereof are illegally held within the jurisdiction of this honorable court and are liable to condemnation and are confiscable as provided by the said Food and Drugs Act approved June thirtieth, 1906:

(a) In that the liquid contained in the said four barrels and every one thereof is adulterated and misbranded in violation of section seven of the Food and Drugs Act approved June thirtieth, 1906, in that the said liquid is not old mature whiskey but is an imitation thereof, and is a product which has been colored and mixed by the addition of artificial coloring matter, in a manner whereby inferiority is concealed and in order to imitate old mature whiskey, and whereby the said product does imitate and appear to be old mature whiskey.

(b) In that the said four barrels and every one thereof are misbranded in violation of the Food and Drugs Act approved June thirtieth, 1906, in that the said barrels are branded "Old Rye Whiskey," whereas the contents thereof are neutral spirits, which are not products of "rye" and which are not "old."

Your libellant further charges that the said barrels do not contain old rye whiskey, and the branding on the label end of the barrels is therefore misleading and deceptive, and is a misbranding within the meaning and in violation of the said Food and Drugs Act approved June thirtieth, 1906.

And your libellant further charges that the branding on the stamp end of the said barrels, "Whiskey Compound with Grain Distillates, Chas. H. Ross and Company, Baltimore, Md.," is further misleading and deceptive, and is a misbranding within the meaning and in violation of the said Food and Drugs Act approved June thirtieth, 1906, in that the said barrels do not contain liquid which may be called "Whiskey Compound with Grain Distillates," but contain merely neutral spirits colored and flavored by the addition of artificial matter, so as to produce the color and taste of old mature whiskey, and do not contain what would be a compound of straight whiskey and other distillates of grain.

The said claimants having failed to answer as duly cited and admonished so to do, but having consented to the entry of a default and judgment thereon, and the case having come on for final hearing on the day hereinbefore stated, upon the motion of the United States attorney for judgment of condemnation, the court rendered its said decree, in substance and in form as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

UNITED STATES	}	No. 790.
<i>vs.</i>		
4 BARRELS OF LIQUID PURPORTING TO BE WHISKEY.		

JUDGMENT OF CONDEMNATION.

This cause coming on to be heard upon the motion of Daniel W. Baker, United States attorney for the District of Columbia, for judgment of condemnation, and it appearing to the court that the warrant of arrest issued herein was duly served and that by virtue thereof the marshal of the United States for the District of Columbia has seized the four barrels with contents specified in the said libel and inventoried herein as of the value of two hundred and seventy-four 50/100 dol-

lars and it appearing that all parties in interest were cited upon the nineteenth day of October, 1908, to appear herein on or before November 6, 1908, and it appearing that S. I. Kemp, C. R. Diffenderffer, W. S. Diffenderffer, and Frank J. A. Murphy, trading under the firm name of Charles H. Ross and Company, have appeared herein and claimed the said four barrels with contents, but have failed to file answer to the said libel, and consent to a default and judgment under the same, it is this 12th day of November, A. D. 1908,

Ordered, adjudged, and decreed, that the said four barrels with contents as aforesaid labeled and branded "J. Jackson, Old Rye Whiskey" on the label end of the said barrels, and labeled and branded "Whiskey Compound with Grain Distillates, Charles H. Ross & Co., Baltimore, Md.," on the stamp end of the said barrels, are misbranded in violation of the Food and Drugs Act approved June thirtieth, 1906, as charged in the said libel.

And it is further ordered, adjudged, and decreed that the said liquid contained in the said four barrels is adulterated in violation of the Food and Drugs Act approved June thirtieth, 1906, in that the said liquid is not old mature whiskey, but is an imitation thereof, and is a product which has been colored and mixed by the addition of artificial coloring matter in a manner whereby inferiority is concealed and in order to imitate old mature whiskey, as charged in the said libel.

And it is further ordered, adjudged, and decreed that the said four barrels of liquid aforesaid be, and they hereby are, condemned and ordered to be disposed of by destruction or by sale in such manner as not in conflict with the said Food and Drugs Act approved June thirtieth, 1906. It is provided, however, that on payment of all of the costs of the proceedings herein, including costs of the marshal, of storage, hauling, and all other costs incurred in these proceedings, and the execution and delivery to the said marshal by the said claimant, Charles H. Ross and Company, of proper bond in the penal sum of one thousand dollars, conditioned that the said four barrels with contents as described in the said libel shall not continue their present branding or be further branded in violation of the said Food and Drugs Act approved June thirtieth, 1906, and that the liquid contained in the said four barrels shall not be sold, used, or disposed of in violation of the said Food and Drugs Act approved June thirtieth, 1906, the said marshal shall redeliver the said four barrels with contents to the said claimant, Charles H. Ross and Company, in lieu of disposing of them by destruction or sale as aforesaid.

THOS. H. ANDERSON, *Justice.*

The facts in the case were as follows:

On October 8, 1908, an inspector of the Department of Agriculture found in the possession of J. E. Dyer and Company, Washington, D. C., four barrels of a product purporting to be whiskey, each barrel bearing upon the label end the words "J. Jackson, Old Rye Whiskey" and on the stamp end the words "Whiskey Compound with Grain Distillates, Chas. H. Ross and Co., Baltimore, Md." The internal revenue gauger's numbers on the barrels were as follows: R8807951, R8807952, R8807953, and R8807954. The liquor had been shipped by Chas. H. Ross and Company, from Baltimore, Md., on October 6, 1908. A sample taken by the inspector was subjected to analysis in the Bureau of Chemistry of said Department and found to be colored by the addition of artificial coloring matter introduced for the purpose of concealing inferiority and producing an imitation of old mature whiskey.

Accordingly, on October 9, 1908, the Secretary of Agriculture reported the facts to the Attorney-General, by whom they were duly referred to the United States attorney for the District of Columbia, who forthwith filed a libel for seizure and condemnation of said four barrels of liquor under section 10 of the aforesaid act, with the result hereinbefore stated.

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

Approved: *Board of Food and Drug Inspection.*

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1909.*

(N. J. 46.)

ADULTERATION OF EGGS.

(FILTHY, DECOMPOSED ANIMAL SUBSTANCE.)

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 25th day of November, 1908, in the district court of the United States for the eastern district of Michigan, in the proceeding of libel for condemnation of 276 tubs of adulterated eggs, that is to say, eggs which had been removed from their shells and frozen into a solid mass and consisting in part of a filthy, decomposed, and putrid animal substance unfit for food, wherein the United States was libelant and Spencer & Howes, a corporation, was claimant, the cause having come on for hearing and the said claimant having admitted the allegations of the libel, decrees of forfeiture and condemnation and redelivery to claimant, under the terms of its bond filed in accordance with section 10 of the act were rendered, in substance and in form as follows:

UNITED STATES OF AMERICA—THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF MICHIGAN—SOUTHERN DIVISION.

UNITED STATES OF AMERICA }
vs. } No. 5211.
276 TUBS "EGGS."

Spencer and Howes, a corporation organized and doing business under the laws of the State of Michigan, of the city of Detroit, Michigan, by William C. Manchester, their proctor, come now into court and acknowledge that the above entitled eggs are composed in whole and in part of a filthy, decomposed, and putrid animal substance as set forth in the libel filed in said cause, and consent that the same may be condemned and forfeited to the United States, under the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating