

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NO. 50, FOOD AND DRUGS ACT.

ADULTERATION OF COFFEE.

(COATED WITH LEAD CHROMATE.)

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.* 84 sacks of coffee, a proceeding of libel for seizure and condemnation of said coffee under section 10 of the aforesaid act, lately pending and finally determined on April 22, 1908, in the district court of the United States for the middle district of Tennessee. The coffee was adulterated within the meaning of section 7 of the Food and Drugs Act in that the beans were coated with lead chromate, a poisonous and deleterious substance, whereby inferiority was concealed and the coffee rendered injurious to health. The coffee had been prepared for Westfeldt Brothers, of New Orleans, by the Southern Coffee Mills, of the same city, and was shipped by the latter under directions of the former to Orr, Jackson & Co., Nashville, Tenn., during the month of January, 1908.

Libel for seizure and condemnation having been filed on the 20th day of January, 1908, and seizure effected thereunder, and the case having come on for hearing on the 22d day of April, 1908. in pursuance of notice to all parties interested and after full testimony for the United States, no claimant having appeared, the court rendered its decree adjudging the coffee adulterated and ordering its destruction by burning.

The decree is as follows:

This cause came on to be heard on this, the 22nd day of April, 1908, on libel of information filed on behalf of the United States, the monition and attachment which were duly issued and returned, the order of court requiring publication to be made so that all persons claiming any interest in the coffee seized in above styled cause might have due notice thereof, the testimony of the U. S. marshal and the exhibition of printed notices showing that such publication was made as directed by the court, the testimony of various witnesses, etc., whereupon after due deliberation the court finds that all of the material allegations of the said libel are true, and it appearing by satisfactory evidence to the court that the eighty-four sacks of coffee described in said libel and seized in this cause were shipped from New Orleans, La., to Nashville, Tenn., for the purpose of being sold; that said shipment was an interstate shipment; that said coffee is an article of food within the meaning of the act of Congress of the United States, generally known as the Food and Drugs Act of June 30, 1906; that the coffee in each of said sacks was adulterated before its aforesaid shipment and is adulterated within the meaning of aforesaid act of Congress; that said coffee was colored and coated with a compound of lead and a compound of chromium

in the form of lead chromate, in a manner whereby inferiority was concealed; that said coffee contained an added poisonous and deleterious ingredient, namely, lead chromate, which rendered said coffee injurious to health; that said coffee was seized and attached under process of this court in the store-house of Orr, Jackson & Company, in the city of Nashville, Tenn., after aforesaid shipment and while said coffee remained in unsold and original packages; that neither Orr, Jackson & Company nor any other person has made claim to said coffee or filed any answer or defense to aforesaid libel, the court on the motion of the United States attorney, is pleased to order and doth so order, adjudge, and decree that aforesaid coffee was subject to seizure and by reason of the violations of law alleged and proven, should be condemned as being adulterated, of a poisonous and deleterious character, within the meaning of aforesaid act, and such being the case, the court doth further order, adjudge, and decree that said coffee be, and the same is hereby, condemned, and the same is ordered destroyed forthwith, and to carry into effect this order the United States marshal of the middle district of Tennessee is hereby directed and commanded to destroy said coffee by having the same burned, and for the purpose of executing this decree said marshal is authorized and empowered to employ or engage any necessary help or assistance and such expense so incurred, as well as necessary expenses incurred in storing and guarding said coffee after its seizure, shall be reported to the court, with a statement of when and how this decree was executed, in order that another decree may be entered approving the action of the said marshal and ordering paid all reasonable and proper expenses incurred in the premises. The clerk will furnish the marshal a certified copy of this decree and he will make due return thereon of how he has executed the same.

MCCALL, *Judge.*

The facts in the case were as follows:

On or about January 18, 1908, an inspector of the Department of Agriculture located in course of transportation to, and later in the possession of, Orr, Jackson & Co., Nashville, Tenn., 84 bags of coffee, each labeled "Polished Coffee." The coffee had been prepared by the Southern Coffee Mills, New Orleans, La., for Westfeldt Brothers, of the same city, who ordered its shipment by the former to Orr, Jackson & Co., Nashville, Tenn. Evidence having been obtained by the inspector that this coffee was adulterated by the addition of a coating of lead chromate, he reported the facts to the Secretary of Agriculture, who, on January 18, 1908, advised the United States attorney for the middle district of Tennessee, by whom libel for seizure and condemnation was promptly filed, with the result hereinbefore stated. Samples of the coffee were duly procured and analyzed, resulting in confirmation of the evidence theretofore obtained by the inspector.

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 27, 1909.*