

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 371, FOOD AND DRUGS ACT.

MISBRANDING OF COFFEE.

On or about September 16, 1909, Gost Leva, doing business under the firm name of Leva Bros., of New York, N. Y., shipped from the State of New York to the State of Massachusetts, a consignment of products, labeled in Greek, translations of which read as follows, respectively:

“Leva Brothers. Leva Brothers’ Mustapha Turkish Coffee. Genuine Mocha Coffee is ground by a special machine. Each box contains one pound of coffee, and the box is firmly tied, so that no air can get in to spoil the flavor of the coffee. Prepared by Leva Brothers, 36½ Oliver Street, New York.”

and

“Leva Brothers’ Genuine Turkish Coffee is ground by a special machine. Every box contains one pound of coffee, and the box is firmly tied that no air can get in to spoil the flavor of the coffee. Prepared by Leva Brothers, 36½ Oliver St., New York, N. Y.”

Samples from this shipment were procured, and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Leva Brothers and the dealer from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the articles were misbranded, in that the forms of labeling were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief

that the products were a genuine Mocha coffee, and Turkish coffee, respectively, and also that each can contained one pound of coffee, whereas in fact they were not either Mocha Coffee or Turkish Coffee, but a low grade Santos Coffee, and the coffee contained in each can was less than one pound. To this information the defendant entered a plea of guilty, and the court imposed a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1910.*

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