

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 696, FOOD AND DRUGS ACT.

ADULTERATION OF "FROU FROU" BISCUITS.

On or about June 18 and August 12, 1910, there were shipped from Jersey City, in the State of New Jersey, to Philadelphia, in the State of Pennsylvania, 35 cases of a food product labeled "Biscuit Fabriek de lindeboom American branch wettig gedeponeerde fabrieksmerk 10 lbs Frou Frou New York U. S. A. Packed in Holland let ophet fabrieksmerk wettig gedeponeerd fabrieksmerk gedeponeerd Biscuit fabriek de lindeboom export manufactured in Holland," and on or about July 8, 1910, there were shipped from the city of Holland, State of Michigan, to the city of Philadelphia, in the State of Pennsylvania, 50 cases of a food product labeled "Fabriek Depauw Ged. Fabrieksmerk 10 lbs. Frou-Frou. Gebr. V. Doesburg Pauwstraat 12 Utrecht Banket & Biscuit Fabriek De Pauw Gebr. Van Doesburg Made in Holland Banket Biscuit Fabriek De Pauw Importers for United States of America & Canada Holland Rusk Company Holland Mich New York U. S. A. Banket & Biscuit Fabriek De Pauw Gebr V. Doesburg Pauwstraat 12 Utrecht Artificially Colored." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed against the said 85 cases of "Frou Frou Biscuits," charging the above shipments and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid or compounds thereof, which rendered such article injurious to health, and praying seizure, condemnation, and forfeiture of said product. Thereupon the Holland Rusk Co., of Holland, Mich., and Ira S. Fallin, of Philadelphia, Pa., entered their appearance and filed a joint answer to the libels against the above-mentioned 10 and 50 cases of the product, claiming ownership thereof and denying any knowledge as to the

adulteration of the product as charged in said libels, and praying that said respondents be allowed to reship said 60 cases to Holland upon payment of the costs of these proceedings and the execution and delivery of a good and sufficient bond, conditioned that the said 60 cases of biscuits shall not be sold, shipped, or otherwise disposed of in violation of law, and H. Kellogg & Sons, also of said city of Philadelphia, filed a similar answer, claiming the ownership of the shipment of 25 cases of Frou Frou Biscuits above-mentioned and making the same averments and prayer as in the answer above set forth. The said three causes coming on for hearing, the court, being fully informed in the premises, issued its decrees in said cases, finding the said cases of Frou Frou biscuits to be adulterated as set forth in said libels, and condemning and forfeiting the same to the use of the United States, with a proviso, however, that said product should be delivered to the respective claimants upon the payment of costs and execution and delivery by said claimants of good and sufficient bonds, conditioned that said product should not be sold, shipped, or otherwise disposed of contrary to law. These costs having been paid and bonds furnished in conformity with the terms of these decrees, the above-mentioned 85 cases of Frou Frou biscuits were forthwith released to the respective claimants.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 2, 1910.*