

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 724, FOOD AND DRUGS ACT.

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### ADULTERATION OF ICE CREAM CONES.

On or about July 9, 1910, the Consolidated Wafer Company, a corporation, Brooklyn, N. Y., shipped from the State of New York into the State of Tennessee 13 cases of ice cream cones, each case containing 250 ice cream cones, each of said cases being labeled as follows: "The Brooklyn Ice Cream Cone No. 16 Special. Consolidated Wafer Co., Brooklyn, N. Y." Analysis of samples from this shipment made by the Bureau of Chemistry, United States Department of Agriculture, showed the product to contain boric acid or its salts. As it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and 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 Tennessee.

In due course a libel was filed in the District Court of the United States for said district against the said 13 cases of ice cream cones, charging the above shipment and alleging that the product so shipped was adulterated in that the said ice cream cones then and there contained an added poisonous ingredient, to wit, boric acid, which rendered said ice cream cones injurious to health, and praying seizure and condemnation of the product.

On December 2, 1910, the cause came on for hearing and no claimant to the product having appeared, and no answer having been filed, the court being fully informed in the premises, issued its decree condemning and forfeiting 4 of the said 13 cases of ice cream cones, the said 4 cases being all that were found at time of seizure, to the use of the United States for the causes in the said libel set forth, and ordering the destruction thereof by the marshal of said district.

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., *December 28, 1910.*

