

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 911, FOOD AND DRUGS ACT.

### ADULTERATION OF ICE CREAM CONES.

On or about July 8, 1910, there were found on the dock of the Southern Pacific Company, Pier 48, North River, New York City, 41 crates, containing 1,608 boxes of ice cream cones, owned by the Consolidated Wafer Company, New York City, and delivered by said company on the dock in question for shipment, in two consignments from the State of New York into the State of Texas. The boxes in question were labeled "Ice Cream Cones—Manufactured by the Consolidated Wafer Company." Two samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and were found to contain boric acid. 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 Southern District of New York.

On July 9, 1910, two libels were filed in the District Court of the United States for the Southern District of New York, one against 23 of said crates, and the other against the remaining 18 crates, charging the entry of the above product into interstate commerce, and alleging that the said product contained boric acid, a deleterious ingredient, which might render the articles injurious to health, and praying seizure, condemnation, and forfeiture of the product. Thereupon the said Consolidated Wafer Company entered its appearance and filed its answers to the above libels, which, however, it subsequently withdrew, and consented by stipulations to the entry of decrees of condemnation and forfeiture against the products.

On March 3, 1911, the causes came on for hearing, upon the above libels and stipulations, and the court being fully informed in the premises, issued its decrees, sustaining the allegations of the above libels, ordering the destruction of the product by the marshal of said district, and assessing the costs of these proceedings upon the said Consolidated Wafer Company.

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 25, 1911.*