

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 981, FOOD AND DRUGS ACT.

MISBRANDING OF COFFEE.

On or about October 6, 1910, William B. Carhart and H. B. Carhart, doing business under the firm name and style of Carhart & Bro., shipped from the State of New York into the State of Alabama a consignment of coffee labeled as follows: "Three pounds full weight Carhart & Bro. celebrated flavor of Mocha and Java roasted coffee. The coffee in this package we guarantee to be as represented, a pure coffee, especially selected and the acme of perfection for fine drinking. Carhart & Bro., New York." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a mixture consisting of one-half Dutch East Indian and one-half Bogota. As the examination and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said William B. Carhart and H. B. Carhart and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 upon 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 against the said William B. Carhart and H. B. Carhart charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as aforesaid so as to deceive and mislead the purchaser, because said label represented that the product consisted of Mocha and Java coffee; whereas, in truth and in fact, it consisted of Dutch East Indian and Bogota coffee.

On April 7, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25.

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., *June 22, 1911.*