

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1112.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF COFFEE.

On May 4, 1910, the United States Attorney for the Northern District of Illinois, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. F. McLaughlin & Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about April 2, 1909, from the State of Illinois into the State of Kansas, of a quantity of coffee which was misbranded. The label on the packages containing the coffee was as follows: "One pound net weight. McLaughlin's Arabian Mocha and Java Coffee. Chicago. Guaranteed under the Food and Drugs Act June 30, 1906. Serial No. 8257."

Examination of a sample of said coffee, made by the Bureau of Chemistry of the United States Department of Agriculture, showed that there was not sufficient Mocha coffee present in the product to give any Mocha character to the blend, and that the coffee used and termed as Mocha was, in fact, a longberry or Abyssinian coffee. Misbranding was alleged for the reason that the statement appearing on the label represented the said coffee as Mocha and Java coffee, which was false and misleading, because said coffee was not Mocha and Java coffee, but contained Java longberry and Abyssinian coffee.

On May 10, 1910, the defendant corporation entered a plea of not guilty. On September 27, 1910, a jury was waived and the case was submitted to the court. On February 16, 1911, the court entered a finding of not guilty.

Decisions of United States District Courts adverse to the Government will not be accepted as final until acquiescence shall have been published.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *September 13, 1911.*