

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1426.

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

ADULTERATION OF ICE CREAM CONES.

On September 16, 1910, the United States Attorney for the Northern District of Texas, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of 162 cases of ice cream cones, 148 of which were in the possession of the Binyon Transfer & Storage Co. subject to the order of the Alta Vista Creamery Co., and 14 cases of said product on the premises of the said Alta Vista Creamery Co., Fort Worth, Tex. Each package was labeled: "Alta Vista Cr. Co. Ft. Worth, Texas" and the inside boxes or unit packages were labeled "Ice Cream Cones made especially for the Alta Vista Creamery Company, Ft. Worth, Texas."

The libel alleged that the product, after shipment by the Star Wafer Co., Oklahoma City, Okla., from the State of Oklahoma into the State of Texas, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that the product contained a poisonous and deleterious ingredient injurious to health, to wit, boric acid.

On November 10, 1910, the case coming on for hearing and no one having appeared as claimant or made answer, and it further appearing that the marshal had seized 155 cases of the aforesaid product, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*