

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1478.

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

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### MISBRANDING OF EVAPORATED MILK.

On July 18, 1911, the United States Attorney for the Eastern District of Louisiana, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation, confiscation, and forfeiture of 1,200 cases of evaporated milk within the premises of the Boston Warehouse, New Orleans, La. The product was labeled: "Faultless Brand Pure Sterilized Evaporated Milk—A Condensed Milk—Serial No. 19557—16 oz. net—Manufactured by the Faultless Condensed Milk Co., Kansas City, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry of this Department, showed the following results: Fat, 5.08 per cent; milk solids, 16 per cent. The libel alleged that the product after shipment by the Peltason Co., a corporation, St. Louis, Mo., from the State of Missouri into the State of Louisiana remained unsold in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act, and therefore subject to seizure and destruction. Misbranding was alleged in that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, evaporated milk, whereas in truth and in fact it was not and is not a genuine evaporated milk, and was further misbranded in that the said label and brand were such as to mislead the purchaser, and was further misbranded in that the label or brand was false and misleading.

On September 29, 1911, no claimant having appeared the court entered a decree finding the said product to be misbranded as alleged in the libel, and condemned and forfeited said product to the United States and ordered its sale by the United States marshal after the destruction of the brand thereon.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 22, 1912.*

