

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1496.

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

MISBRANDING OF EVAPORATED MILK.

On October 18, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 170 cases of Honeysuckle Brand Evaporated Milk, each case containing a large number of retail cans, the exact number unknown, remaining unsold in the original unbroken packages and in the possession of B. L. Gordon & Co., Spokane, Wash., alleging that the product had been transported from the State of Utah into the State of Washington, date of shipment not shown, and charging misbranding in violation of the Food and Drugs Act. Each of the retail packages was labeled: "Honeysuckle Brand, Unsweetened Evaporated Milk, Manufactured by the Cache Valley Condensed Milk Co., Logan, Utah. Contents not less than 26% T. S., 7.5% B. F. Directions: Use the Honeysuckle Brand Evaporated Milk for all purposes that you would fluid milk or cream. Keep the open can in a cool place. Guaranteed by Cache Valley Condensed Milk Co., under the National Food and Drugs Act June 30, 1906. Serial No. 16144. Thoroughly sterilized and put up in sanitary cans."

Examination of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Total solids, 24.80 to 25.49; fat, 7.26 to 7.53. Misbranding was alleged in the libel for the reason that the product was not sufficiently evaporated to be entitled to the name "Evaporated milk," and the statements on the labels of branding used on the retail packages were false and misleading and insufficient to convey to the consumer of such milk that the same was in any respect deficient and would deceive and mislead the purchaser.

On November 16, 1911, judgment of condemnation was entered, and after payment of the costs by B. L. Gordon & Co., Spokane,

Wash., and the presentation of a bond by such claimant, in conformity with section 10 of the act, fixed by the court at \$1,000, the product was released and delivered to the claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 26, 1912.*

1496

