

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1609.

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

MISBRANDING OF EVAPORATED MILK.

On January 11, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 650 cases of milk, 250 of which each contained six dozen retail cans, 100 of which each contained four dozen retail cans, "family size", and 300 of which each contained four dozen retail cans, "tall size", remaining unsold, in the original unbroken packages, and in the possession of the Scudders-Gale Grocer Co., a corporation, of St. Louis, Mo., alleging that the product had been shipped on or about January 4, 1912, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part: (On cases) "Every day brand pure milk. Unsweetened, sterilized, evaporated milk," and "6 dozen baby size." For Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Every day brand evaporated milk. Prepared by the John Wildi Evaporated milk Co., Highland, Ill., U. S. A. Guaranteed under Food and Drugs Act, June 30, 1906, No. 17431." (On cans) "Every day Brand evaporated milk. Made at Marysville, Ohio, by the John Wildi Evaporated Milk Co., Highlands, Illinois, U. S. A." (Guaranty legend) "No. 17431. This milk has been produced under strict sanitary rules, is unadulterated, evaporated to a cream like consistency, and sterilized. Every day brand pure milk. Unsweetened, sterilized, evaporated milk. For Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday. This article may be used either undiluted or slightly diluted for coffee, cocoa, on fruits, cereals,

etc. Full directions for infant feeding will be cheerfully furnished on application."

Misbranding was alleged in the libel for the reason that the labels on the product bore statements regarding it which were false and misleading, to wit, "evaporated milk" which statements were false and misleading, in that the product had not been sufficiently reduced and evaporated to entitle it to be called evaporated milk.

On January 16, 1912, the John Wildi Evaporated Milk Co., a corporation, having entered its appearance and claimed the property, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of all costs by said claimant, and the presentation of bond by it in conformity with section 10 of the Act, fixed by the court at \$2,000, the 623 cases of the product that had been seized should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 18, 1912.*

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