

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1650.

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

MISBRANDING OF BREAKFAST FOOD.

On February 20, 1912, the United States Attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of (1) 15 cases of malt breakfast food, each containing 18 packages, remaining unsold in the original unbroken packages and in possession of J. H. Allen & Co., a corporation, St. Paul, Minn., alleging that the product had been shipped on January 23, 1912, by Edwin F. Heywood & Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota. (2) Four cases of malt breakfast food remaining unsold in the original unbroken packages, in the possession of Foley Bros. & Kelly, a corporation, St. Paul, Minn., alleging that the product had been shipped on or about December 16, 1911, by said Edwin F. Heywood & Co., from the State of Illinois into the State of Minnesota. The product was labeled in part: "Malt Breakfast Food—The Malted Cereals Co., Burlington, Vt. * * *" "The Malted Cereals Co's. Malt Breakfast Food—The Choicest Whole Wheat scientifically Combined with the best barley Malt. Rich in Malt, Gluten and Phosphates. The Malted Cereals Co. Malt Cereal Foods, Burlington, Vermont." "Malt Breakfast Food—The original and standard malt wheat cereal. Analysis * * * All the virtues of malt—All the strength of wheat."

Misbranding was alleged in the libels for the reason that the labels and brands on the cases and packages contained statements regarding said products and the ingredients contained therein which were false and misleading, that is to say, that said "Malt Breakfast Food" contained no barley, was not "rich in malt," did not consist of "The

Choicest Whole Wheat Scientifically Combined with the Best Barley Malt," and did not possess "All the virtues of malt."

On April 22, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1912.*