

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1737.

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

ADULTERATION AND MISBRANDING OF ICE CREAM.

On April 18, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against one J. Henry Peitz, trading under the firm name and style of Bismark Cafe, late of the District aforesaid, alleging the sale at the District aforesaid by said defendant, in violation of the Food and Drugs Act, on August 31, 1911, of a quantity of ice cream which was adulterated and misbranded. The product was labeled: "5 cents Ice Cream * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it contained added starch and was greatly deficient in fat. Per cent of fat found, 4.12. Adulteration was alleged in the information for the reason that the product had been mixed and packed with a substance, to wit, starch, which reduced and lowered and injuriously affected its quality; and for the further reason that a valuable constituent of the product, to wit, butter fat, had been left out or abstracted in whole or in part. Misbranding was alleged for the reason that the product was misbranded in that it signified and imported and was represented to be ice cream containing, to wit, 14 per cent of milk fat, whereas, in truth and in fact, it was not ice cream but an imitation of ice cream containing, to wit, 4.12 per cent of milk fat.

On April 22, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 12, 1912.*

