

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1747.

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

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### MISBRANDING OF EVAPORATED MILK.

On April 16, 1912, the United States Attorney for the Western District of Washington, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the West Coast Grocery Co., a corporation, Tacoma, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 22, 1911, from the State of Washington into the Territory of Alaska, of a quantity of evaporated milk which was misbranded. The product was labeled: "Cascade Brand Milk. Cascade Brand. A Sterilized Evaporated Milk. Put up in sanitary cans no solder or acid used. Guaranteed to comply with the Pure Food Laws. Manufactured by Snohomish Condensed Milk Co., Snohomish, Wash."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 77.64 per cent; fat (by Roesse-Gottlieb), 7.06 per cent; protein ( $N \times 6.38$ ), 5.90 per cent; lactose (by difference), 8.22 per cent; ash, 1.18 per cent; total solids (by drying), 22.36 per cent; per cent of fat in total solids, 31.6; refraction of fat at 40° C., 1.4548; net weight,  $16\frac{7}{16}$  ounces; milk lumpy and in poor condition. Misbranding was alleged in the information for the reason that the statement "Evaporated Milk" borne on the label of the product was false and misleading because it would mislead and deceive the purchaser into the belief that the product was evaporated milk conforming to the commercial standard of such article, whereas in truth and in fact it was not sufficiently concentrated to be entitled to that designation; and the product was further misbranded within the meaning of the

Act of Congress of June 30, 1906, in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Evaporated Milk", thereby purporting that it was evaporated milk conforming to the standard of such article, whereas in truth and in fact it was not sufficiently concentrated to be entitled to that designation.

On May 22, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs, in the sum of \$26.16.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 14, 1912.*

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