

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2326.

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

ADULTERATION AND MISBRANDING OF CONDENSED MILK.

On November 15, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the White Hall Condensed Milk Co., a corporation, White Hall, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on July 17, 1912, from the State of Illinois into the State of Missouri, of a quantity of so-called plain condensed milk which was adulterated and misbranded. The product was labeled: "From White Hall Condensed Milk Co., Both Phones, White Hall, Ill., to the Banner Creamery, St. Louis, Mo. Plain Cond. Milk 5 Cans 50 Gals."

Analysis of samples of the product, made by the Bureau of Chemistry of this Department, showed the following results: (Sample No. 1) Solids, 36.10 per cent; fat by Rose-Gottlieb, 6.75 per cent; protein (Nx6.38), 9.57 per cent; lactose, 16.43 per cent; ratio protein to fat, 1:0.71; per cent fat in total solids, 18.71; ash, 2.54 per cent; undetermined, 0.81 per cent. (Sample No. 2) Solids, 36.54 per cent; fat by Rose-Gottlieb, 6.39 per cent; protein (Nx6.38), 10.27 per cent; lactose, 17.26 per cent; ratio protein to fat, 1:0.62; per cent fat in total solids, 17.50; ash, 2.49 per cent; undetermined, 0.13 per cent. (Sample No. 3) Solids, 36.67 per cent; fat by Rose-Gottlieb, 6.58 per cent; protein (Nx6.38), 10.72 per cent; lactose, 17.43 per cent; ratio protein to fat, 1:0.62; per cent fat in total solids, 17.92; ash, 2.47 per cent; overrun, 0.53 per cent. (Sample No. 4) Solids, 35.50 per cent; fat by Rose-Gottlieb, 6.58 per cent; protein (Nx6.38), 10.84 per cent; lactose, 17.19 per cent; ratio protein to fat, 1:0.61; per cent fat in total solids, 18.54; ash, 2.49 per cent; overrun, 1.60

per cent. (Sample No. 5) Solids, 36.57 per cent; fat by Rose-Gottlieb, 6.63 per cent; protein (Nx6.38), 9.37 per cent; lactose, 16.98 per cent; ratio protein to fat, 1:0.71; per cent fat in total solids, 18.65; ash, 2.49 per cent; undetermined, 1.10 per cent. Adulteration of the product was alleged in the information for the reason that butter fat, a valuable constituent of plain condensed milk, had been wholly or in part abstracted therefrom, so that the product fell below the standard for condensed unsweetened milk, which had theretofore been promulgated by Food Inspection Decision No. 131 of the Department of Agriculture of the United States. Misbranding was alleged for the reason that the product bore a label, device, and design, as above set forth, and misbranded in that said label, bearing thereon the words "Plain Cond. Milk", was false and misleading, because it conveyed the impression that the product was an unsweetened condensed milk, containing a normal amount of butter fat as set forth in Food Inspection Decision No. 131 of the Department of Agriculture, and that the same was made from whole milk, whereas in fact it contained less than the normal amount of butter fat; that is, less than 7.8 per cent of butter fat, and was made partly from skim milk.

On November 25, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1913.*