

Issued July 12, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2433.

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

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**U. S. v. 8 Cases Coffee. Decree of condemnation. Goods ordered sold or destroyed.**

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### MISBRANDING OF COFFEE.

On February 18, 1911, the United States Attorney for the Western District of Louisiana, 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 8 cases, each containing 50 cans of coffee, remaining unsold in the original unbroken packages and in possession of the Calcasieu Mercantile Co. (Inc.), Lake Charles, La., alleging that the product had been shipped from the State of Texas into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Rosenbergs Sanclara Brand Coffee, Chicory and Cereal, Ground, Calcasieu M. Co., Lake Charles, La. Guatemala Coffee Co., Houston, Texas." (On cans) "Rosenbergs Sanclara Brand Coffee, Guatemala Coffee Co., Houston, Texas. Guezaltenango C Agutemala C A." The labels on the cans also bore, inconspicuously displayed so as to readily escape the notice of purchasers, the words "Chickory and Cereal."

Misbranding of the product was alleged in the libel for the reason that the words on the labels announcing the product as coffee were in large and conspicuous white type on a red background, and the words declaring the presence of chickory were in considerably reduced type on a blue background, which plainly conveyed the impression that the product was all coffee, the product therefore being misbranded, and said misbranding was not corrected by the words

“Chickory and Cereal” in inconspicuous type, all of which was done for the purpose of misleading and deceiving the purchaser and the public. It was further alleged that the product was misbranded in employing the form and design of labeling, for the reason that it implied that said product was entirely coffee, the words “Chickory and Cereal” being in smaller and inconspicuous type, whereas under examination said product contained about 62 per cent coffee and 38 per cent chickory and cereal.

On May 15, 1911, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold subject to the provisions of the Food and Drugs Act or destroyed by the United States marshal.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 17, 1913.*

2433

