

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2460.

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

U. S. v. P. E. Sharpless Co. Trial by the court. Finding of guilty. Fine, \$20 and costs.

ADULTERATION AND MISBRANDING OF EVAPORATED MILK.

On November 4, 1912, the United States Attorney for the District of Maryland, 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 P. E. Sharpless Co., a corporation, doing business at Rising Sun, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on September 21, 1911, from the State of Maryland into the District of Columbia, of a quantity of evaporated milk which was adulterated and misbranded. The product was labeled: (On tag) "For Anton Fischer, 523 4½ St., S. W., Washington, D. C. Collect. * * * Evaporated Blended Milk, Rising Sun, Md. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 66.78 per cent; fat, 5.27 per cent; proteins, 10.78 per cent; lactose etc., by difference, 14.75 per cent; ash, 2.42 per cent; total solids, 33.22 per cent; per cent fat in solids, 15.86; ratio proteins to fat, 1:0.489. Adulteration of the product was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been in part abstracted therefrom. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the name of "Evaporated Blended Milk", when, as a matter of fact, it was not evaporated blended milk, but was merely evaporated skimmed milk.

On January 14, 1913, the case having come on for trial before the court without the intervention of a jury, a finding of guilty was made by the court and a fine of \$20 was imposed, with costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*