

**3311. Misbranding of coffee. U. S. v. 375 Pounds of So-called "Boston Roast Fine Java Style Coffee," and 250 Pounds of So-called "Boston Roast Fine Mocha Style Coffee." Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4900. S. No. 1624.)**

On December 23, 1912, the United States attorney for the Northern District of New York, 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 375 pounds of so-called "Boston Roast Fine Java Style Coffee," and 250 pounds of so-called "Boston Roast Fine Mocha Style Coffee," contained in 25 pails of 25 pounds each, remaining unsold in the original unbroken packages in possession of J. Levi and Co., Schenectady, N. Y., alleging that the product had been shipped on or about November 9, 1912, by W. F. Johnston and Co., Boston, Mass., and exported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act. Fifteen of the pails were labeled: "Boston Roast Fine Java Style Coffee, carefully selected, roasted and packed expressly for J. Levi & Co., wholesale groceries, Schenectady, New York." Ten of the pails were labeled: "Boston Roast Fine Mocha Style Coffee, carefully selected, roasted and packed expressly for J. Levi & Co., wholesale groceries, Schenectady, New York."

Misbranding of the product was alleged in the libel for the reason that the labels and the representations and statements contained thereon were false and misleading and intended and calculated by the said W. F. Johnston and Co. and the said J. Levi and Co., as they well knew, to deceive, in that the said article, "Boston Roast Fine Java Style Coffee, carefully selected, roasted and packed expressly for J. Levi and Co., wholesale groceries, Schenectady, New York," was not Java style coffee, but consisted almost entirely of "Santos coffee," without any appreciable quantity of Java coffee contained therein, nor was it a coffee formerly known by the trade as Java style coffee; and in that the article "Boston Roast Fine Mocha Style Coffee, carefully selected, roasted and packed expressly for J. Levi and Co., wholesale groceries, Schenectady, New York," was not Mocha coffee, nor was it a coffee formerly known to the trade as Mocha style coffee, but it consisted almost entirely of "Santos coffee," and was without any appreciable quantity of Mocha coffee contained therein.

On December 10, 1913, the said J. Levi and Co., having appeared as claimants for the property, and having stipulated that the allegations stated in the libel were true, a jury having been waived, and the case having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

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

WASHINGTON, D. C., June 20, 1914.

**3312. Adulteration and misbranding of cream. U. S. v. International Milk Products Co. Plea of guilty. Sentence suspended. (F. & D. No. 4959. I. S. No. 36204-e.)**

On June 23, 1913, the United States attorney for the Southern District of New York, 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 International Milk Products Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 17, 1912, from the State of New York into the State of Virginia, of a quantity of cream