

3615. Adulteration and misbranding of Croft's Swiss milk cocoa. U. S. v. 10 Cases, More or Less, of So-Called Swiss Milk Cocoa. Default decree of condemnation and forfeiture. Product ordered sold. (F & D. No. 5689. I. S. No. 6626-h. S. No. E-97.)

On August 27, 1914, the United States attorney for the District of New Jersey, 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 10 cases, each containing 12 jars of so-called Swiss milk cocoa, remaining unsold in the original unbroken packages at Bridgeton, N. J., alleging that the product had been shipped on or about February 24, 1914, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping cases were labeled: "12 Glass Jars—25 cent Jars—Croft's Milk Cocoa—N. Allen & Son, Bridgeton, N. J." The retail packages were labeled: (On bottle) "Croft's Swiss Milk Cocoa—Manufactured under Swiss Process by Croft & Allen Co., Philadelphia, U. S. A.—Guaranteed under the Food and Drugs Act June 30, 1906, Serial Number 3373.—One half pound. Net weight." (Design, picture of Swiss dairy scene.) (On metal cap over mouth of bottle) "Croft's Milk Cocoa." (Blown in bottle) "Pat. Applied for Croft's Milk Cocoa—Croft & Allen, Philadelphia." (Paster on back of bottle) "Guarantee. Manufactured and Guaranteed by Croft & Allen Co., Philadelphia, Pa., under the Food and Drugs Act, June 30, 1906. Serial No. 3373. Directions * * *." (On paper wrapper about bottle) "Croft's Swiss Milk Cocoa—Manufactured under Swiss Process." The labels also bore pictorial representations or designs of milkmaid and Swiss scene.

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, sugar, had been mixed and packed therewith in such a manner as to reduce and lower and injuriously affect the quality and strength of said product, which did not contain sufficient milk to entitle it to the designation of "milk cocoa"; and for the further reason that sugar had been substituted wholly or in part for milk and cocoa in said product. Misbranding was alleged for the reason that the product was an imitation of milk cocoa; that it contained sugar and was offered for sale under the distinctive name of another article than that which it really was; further, the labels on the jars containing said product were so constructed as to convey the impression that it was of foreign origin, it purporting to be a "Swiss milk cocoa," which was false and misleading; and, further, the product purported to be a "Swiss milk cocoa," but it contained an insufficient amount of milk to entitle it to that designation.

On October 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*