

3657. Adulteration of milk. U. S. v. Joseph C. R. Hupp. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5779. I. S. No. 12747-e.)

On November 7, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph C. R. Hupp, Vienna, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 13, 1913, from the State of Pennsylvania into the State of West Virginia, of a quantity of milk which was adulterated. The product was labeled: (On can) "J. C. R. Hupp, B. & O. Vienna, Pa." (On tag) "When full forward to F. & C. Dairy Co., Wheeling, Corner Sixteenth and Chapline Street."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Fat (per cent)-----	3.55
Solids by drying (per cent)-----	11.24
Specific gravity-----	1.0265
Solids not fat (per cent)-----	7.69
Refraction at 20° C-----	38.9
Nitrate test: Positive.	
Sediment: Objectionable amount.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added water, was mixed with the article so as to reduce, lower and injuriously affect its quality; and further, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, to wit, dirt and sediment.

On November 16, 1914, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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

WASHINGTON, D. C., *March 26, 1915.*