

4820. Adulteration of coffee. U. S. v. 3 Cases of Coffee. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5457. I. S. No. 3024-h, 6264-h. S. No. 2030.)

On December 3, 1913, the United States attorney for the District of Idaho, 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 3 cases, each containing 120 one-pound packages, of coffee, remaining unsold in the original unbroken packages at Sand Point, Idaho, alleging that the article was shipped, on or about November 14, 1913, by Hills Bros., San Francisco, Cal., and transported from the State of California into the State of Idaho, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "120 1-lb. papers Roast Mexomoka—Reg. U. S. Pat. Office, Hills Bros., San Francisco, California." The retail packages were labeled: "One pound Hills Bros. Mexomoka Coffee, San Francisco."

It was alleged in the libel that the coffee was adulterated and below the professed standard in strength and purity and quality under which it was sold, in that the labels on the goods indicated that the product was composed of a mixture of Mexican and Mocha coffees, but, in truth and in fact, it was a blend of two parts of Acid Bourbon Santos and one part Mexican coffee, and there was no part of Mocha coffee present in said product. It was further alleged that the article was below the professed standard in strength and purity and was not of the quality under which it was proposed to be sold and was a mixed substance [and a substance had been mixed] and packed with it so as to reduce and lower and injuriously affect its quality and strength.

On October 28, 1915, no claimant having appeared for the property, a decree pro confesso was entered in favor of the United States, and it was ordered by the court that the product should be sold by the United States marshal.

CARL VROOMAN,
Acting Secretary of Agriculture.