

6083. Adulteration and misbranding of evaporated milk. U. S. * * * v. 1,000 Cases of So-Called Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8737. I. S. No. 1055-p. S. No. E-969.)

On January 18, 1918, 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 1,000 cases, each containing 48 cans of so-called evaporated milk, at Weehawken, N. J., alleging that the article had been shipped on or about November 6, 1917, and transported from the State of Washington into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Blue Ribbon Brand Milk, Manufactured by Enumclaw Milk & Cream Co., Enumclaw, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that a partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article purporting to be evaporated milk.

Misbranding of the article was alleged for the reason that the statement, to wit, "Blue Ribbon Evaporated Milk," borne on the label of the cans, was false and misleading in that it represented that the article was pure evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure evaporated milk, whereas, in truth and in fact, it was not, but was a product other than pure evaporated milk, to wit, a partially evaporated milk, which had been mixed and packed therewith.

On February 26, 1918, the Enumclaw Milk & Cream Co., Enumclaw, Wash., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*