

**6457. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 50 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9295. I. S. Nos. 6125-r, 6126-r. S. No. C-964-b.)**

On September 10, 1918, the United States attorney for the Western District of Tennessee, 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 50 cases of evaporated milk labeled in part, "Our Best Brand Evaporated Milk, Aviston Condensed Milk Co., Aviston, Illinois," remaining unsold in the original unbroken packages at Jackson, Tenn., alleging that the article had been shipped on or about August 21, 1918, by the Aviston Condensed Milk Co., New Orleans, La., and transported from the State of Louisiana into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the statement, to wit, "Evaporated Milk," was false and misleading so as to deceive and mislead the purchaser thereof.

On March 19, 1919, the said Aviston Condensed Milk Co., claimant, having 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 \$250, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*