

**6522. Adulteration and misbranding of condensed milk. U. S. \* \* \* v. 998 Cases Canned Alleged Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8860. I. S. No. 16631-p. S. No. W-217.)**

On March 12, 1918, the United States attorney for the Northern District of California, 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 998 cases of alleged condensed milk, consigned by the Holly Milk & Cream Co., Portland, Oreg., remaining unsold in the original, unbroken packages, at San Francisco, Calif., alleging that the article had been shipped on or about January 11, 1918, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Holly Unsweetened Condensed Milk, manufactured by Holly Milk & Cereal Co., Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that partially condensed 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.

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, to wit, condensed milk, and in that the statement, "Condensed Milk," was false and misleading, and deceived and misled the purchaser into the belief that the product was condensed milk, whereas examination showed that it was partially condensed milk.

On June 27, 1918, the said Holly Milk & Cereal 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 payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*