

On August 14, 1918, E. Quiriglia, Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel, 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 \$400, in conformity with section 10 of the act.

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

**6741. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 200 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9102. I. S. No. 11923-p. S. No. C-918.)**

On June 26, 1918, the United States attorney for the Eastern District of Missouri, 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 200 cases, each containing 6 cans of alleged evaporated milk, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about June 8, 1918, by the Aviston Condensed Milk Co., Aviston, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Purity Brand Evaporated Milk," and "Our Best Brand Evaporated Milk \* \* \* Net Weight 8 lbs."

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

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that the statement borne on the label, to wit, "Evaporated Milk," was false and misleading in that it purported to be a product known as evaporated milk when, in truth and in fact, the cans contained evaporated milk mixed with partially evaporated milk. Misbranding of the portion of the article labeled "Purity Brand" was alleged for the further reason that it was food in package form, and the statement of the net weight or measure of the contents was not plainly and conspicuously marked thereon. Misbranding of the portion of the article labeled "Our Best Brand Evaporated Milk" was alleged for the further reason that it was food in package form and was labeled as containing 8 pounds of evaporated milk, when, in truth and in fact, the cans did not contain 8 pounds of evaporated milk.

On September 11, 1918, the said Aviston Condensed Milk Co., claimant, having filed its answer and claim for the property, 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 execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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

**6742. Misbranding of marshmallows. U. S. \* \* \* v. Wiley's, a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 9103. I. S. Nos. 1732-p, 2867-p.)**

On November 22, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wiley's, a corporation, Atlanta, Ga., alleging shipment by said company, in

violation of the Food and Drugs Act, as amended, on or about November 15, 1917, and February 7, 1918, from the State of Georgia into the States of North Carolina and South Carolina, respectively, of quantities of an article labeled in part, "Wiley's Atlanta Genuine Marshmallows \* \* \* net weight 4 ozs.," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment Nov. 15, 1917: Average net weight, 4 packages (ounces) \_ 2. 01

Shipment Feb. 7, 1918: Average net weight, 18 packages (ounces) \_ 3. 32

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Net Weight 4 Ozs.," borne on the box containing the article, regarding it, was false and misleading in that it represented that the contents of each of said boxes weighed four ounces net, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each of said boxes weighed four ounces net, whereas, in truth and in fact, the contents of each of said boxes did not weigh four ounces net but did weigh a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 6, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**6743. Misbranding of Blue Ribbon Dairy Feed. U. S. \* \* \* v. Quaker Oats Co., a corporation. Plea of nolo contendere. Fine, \$100.**  
(F. & D. No. 9104. I. S. No. 9157-m.)

On March 13, 1919, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Quaker Oats Co., a corporation, doing business at Richford, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1916, from the State of Vermont into the State of Maine, of a quantity of an article labeled in part, "Blue Ribbon Dairy Feed," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)_____	3. 19
Protein (per cent)_____	19. 94
Fiber (per cent)_____	13. 27

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 25 per cent. \* \* \* Crude Fiber (maximum) 12 per cent.," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it contained not less than 25 per cent of protein and contained not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 25 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 25 per cent of protein and more than 12 per cent of crude fiber, to wit, 19.94 per cent of protein and 13.27 per cent of crude fiber.

On June 9, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

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