

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 273, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF POWDERED MILK.

On or about July 9, 1909, the Ekenberg Milk Products Company, Cortland, N. Y., shipped from the State of New York to the State of Missouri ten barrels of powdered milk. Analyses of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act, June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Eastern District of Missouri. In due course a libel was filed against the said ten barrels of powdered milk, charging adulteration of the product within the meaning of the act, because the product was not powdered milk but a product made from skimmed milk, from which more than 75 per cent of the butter fat had been abstracted; and was misbranded in that the product was labeled "Cremflor Powdered Milk Manufactured by Ekenberg Milk Products Co., Cortland, N. Y.," and, in smaller and inconspicuous type, "Made of Pure Cow's Milk, from which part of the Butter Fats have been removed," which label was false and misleading and tended to deceive and mislead the purchaser into the belief that he was procuring a product made from pure milk, whereas, in fact, it was not made from pure milk, but from skimmed milk from which more than 75 per cent of the butter fat had been abstracted, and, further, in that the product was offered for sale under the distinctive name of another article.

Thereupon W. E. Beckman & Co., St. Louis, Mo., entered an appearance and set up a claim to the product, and on November 1, 1909, the case coming on for final hearing, the goods were released to the claimant upon the filing of a bond conditioned that the product should not be sold in violation of the laws of any State, Territory, or insular possession of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act, June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *April 5, 1910.*

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