

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 407, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF COFFEE.

During the period from September 30, 1907, to May 27, 1908, the Reily-Taylor Company, of New Orleans, La., made various shipments from said State of Louisiana to the State of Alabama of a food product labeled "Luzianne Coffee." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated 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 Middle District of Alabama. In due course a libel was filed in the District Court of the United States for the Middle District of Alabama against 7 original cases of Luzianne Coffee, each case containing 24 4-pound cans; 10 original cases, each containing 50 2-pound cans; 11 original cases, each containing 100 1-pound cans; 15 original cases, each containing 60 1-pound cans; and 8 original cases, each containing 16 4-pound cans, each of said original cases being branded as follows: "Luzianne Coffee—The Reily-Taylor Co., New Orleans, U. S. A.," charging the above shipment and alleging that said coffee was adulterated, in that a foreign substance, to wit, chicory, had been mixed and packed with the said coffee so as to reduce, lower, and injuriously affect its quality and strength, and that a substance, to wit, chicory, had been substituted in part for said coffee; that said product was misbranded, in that the said original cases were branded "Luzianne Coffee," when, in truth and in fact, said cases contained cans which were branded "Luzianne Roasted Coffee and Chicory," the branding of said cases being calculated to deceive and mislead purchasers; and further charging that the said original cases were misbranded, in that they were branded "Luzianne Coffee," when, in truth and in fact, said original cases contained Luzianne roasted coffee and chicory.

On July 30, 1909, the following decree was rendered in this case:

THE UNITED STATES }  
                   *vs.* } No. 1957.  
 LUZIANNE COFFEE. }

In this cause it appearing to the Court, the said United States, by E. J. Parsons, United States Attorney, and the Winter-Loeb Grocery Company, the claimants and owners of the property seized herein, by B. P. Crum, its attorney, consenting thereto, that under process issued in this cause, on, to wit, the third day of August, 1908, Seven (7) original cases of Luzianne Coffee, each containing twenty-four (24) four (4) pound cans, and ten (10) original cases, each containing fifty (50) two (2) pound cans, and ten (10) original cases, each containing one hundred (100) one (1) pound cans, and fourteen (14) original cases, each containing sixty (60) one (1) pound cans, and eight (8) original cases, each containing sixteen (16) four (4) pound cans of Luzianne Coffee, were seized by the United States Marshal in the City of Montgomery and State of Alabama, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein, that is to say, for the reason that the said cans and cases contain a mixture of coffee and chicory instead of pure Luzianne Coffee, as indicated on said original cases, and that the said brands on said cases were misleading and calculated to deceive purchasers.

And it appearing further by like consent that the said Winter-Loeb Grocery Company, claimants, have agreed that an order may be entered adjudging said property to be misbranded within the meaning of the Pure Food and Drug Act of June 30, 1906, and that the same may be condemned, but it appearing that on, to wit, the twentieth day of August 1908, the said Winter-Loeb Grocery Company executed its bond which was approved by the Court in accordance with Section 10 of said Act of Congress of June 30, 1906, and that they have paid all the costs of this proceeding up to this date, and that the Marshal, upon the order of this Court, has re-delivered said property so seized to the said Winter-Loeb Grocery Company,

It is, therefore, ordered, adjudged and decreed that the said property above described is misbranded in violation of the said Pure Food and Drug Act of June 30, 1906, and it is hereby condemned as such.

It is further ordered, however, that the said property be not destroyed, but be allowed to remain in the custody and control of the said Winter-Loeb Grocery Company to be held or disposed of by them only in accordance with the provisions of the said Pure Food and Drug Act of June 30, 1906.

We hereby agree that the above decree may be entered.

E. J. PARSONS, *U. S. Attorney.*

WINTER-LOEB GROCERY COMPANY,

By B. P. CRUM, *Attorney.*

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

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.