

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 772, FOOD AND DRUGS ACT.

### MISBRANDING OF COFFEE.

On or about July 9, 1909, Frank A. Bower, Boston, Mass., doing business under the name and style of Bower & Bartlett, shipped from the State of Massachusetts into the State of Pennsylvania a consignment of coffee labeled: "Society Brand Trade Mark Registered Mocha, Java and Mexican Coffee. Bower & Bartlett, Boston, Mass. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 6700. This can contains a combination of the three best coffees the world produces." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a blend composed of one-half Mexican, one-quarter Dutch East India, probably Padang, and one-quarter Longberry Mocha. As the above examination and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Frank A. Bower, doing business under the name and style of Bower & Bartlett, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Frank A. Bower, charging the above shipment and alleging that the product so shipped was misbranded in that the package containing said coffee, in a statement therein, contained the word "Mocha," thereby leading the purchaser to believe that said food contained Mocha coffee, whereas, in truth and in fact, said statement, containing said word "Mocha," was false and misleading, in that said food did not contain Mocha coffee.

On January 5, 1911, the defendant entered a plea of nolo contendere to the above information, and the court imposed a fine of \$25.

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

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 11, 1911.*

