

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 979, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF CONDENSED MILK.

On or about January 11, 1911, the P. E. Sharpless Company, Philadelphia, Pa., shipped from the State of Pennsylvania into the State of Maryland 61 barrels of alleged milk, which barrels were labeled "For T. S. De Kalb, Baltimore, Md. Return empty to P. E. Sharpless Co. Evaporated Blended Milk, Toughkenamon, Pa. Rinse can before returning." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a sweetened condensed skimmed milk. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the district of Maryland.

On January 14, 1911, a libel was filed in the District Court of the United States for said district against the said 61 barrels of alleged milk, charging the above shipment, and alleging the product so shipped to be adulterated because a valuable constituent of the article, to wit, butter fat, had been in part abstracted. The libel also alleged the product to be misbranded because it was labeled as above set forth, which labeling was false and misleading and such as to convey to the purchaser the impression that the article contained all the valuable constituents of milk in their proper proportions, when, as a matter of fact, one of the valuable constituents of milk, to wit, butter fat, was not present in said article in its proper proportion, and because the product, which was in reality a sweetened condensed skimmed milk, prepared in imitation of and offered for sale under the name of another article, to wit, evaporated blended milk, and praying seizure, condemnation, and forfeiture of the product.

On January 19, 1911, the above mentioned P. E. Sharpless Company appeared and filed its claim to the ownership of the 61 barrels of the above product, admitting the allegations of the above libel, and consenting to such decree as should seem fitting in the premises. On the same day the cause was heard on the above libel and claim, and the court, being fully informed in the premises, issued its decree, finding the product to be adulterated and misbranded, as alleged in said libel, condemning and forfeiting the same to the use of the United States, and ordering the destruction of said product by the marshal of said district, with a proviso, however, that the said 61 barrels of alleged milk should be delivered to the claimant aforesaid, upon payment of the costs of these proceedings and the execution and delivery of a good and sufficient bond in the penal sum of \$3,300, conditioned that the product should not be sold or disposed of contrary to law, and conditioned further that the said product should not be sold or disposed of at all unless it should be so branded as to show that a valuable constituent of the said article, to wit, butter fat, had been extracted therefrom. The costs having been paid and the bond furnished in accordance with the above decree, the 61 barrels of the product in question were delivered to the claimant.

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., *June 22, 1911.*