

Issued January 10, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1204.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### MISBRANDING OF CLOVES.

On June 15, 1910, the United States Attorney for the Northern District of Georgia, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 48 boxes of "whole cloves," in the possession of Kelly Bros. Co., Atlanta, Ga. Each of the boxes containing said product was labeled: "Whole Cloves—Two lbs.," and were invoiced as "Fifty 2 lb. boxes Whole Cloves."

The entire consignment was weighed by an inspector of the Bureau of Chemistry of the United States Department of Agriculture, who found that none of the units in said consignment weighed 2 pounds as indicated on the label, but that each box was short in weight from 4 to 8 ounces. The libel alleged that the said product, after shipment by Farrington Whitney, New York, N. Y., from the State of New York into the State of Georgia, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that said product was in package form and the labels thereon represented the contents to be 2 pounds, which representation was false and misleading because the contents were less than 2 pounds.

On April 6, 1911, the case coming on to be heard, the court found the product misbranded as alleged and that the United States was entitled to a decree of condemnation as prayed for in the libel. Accordingly a decree was entered on that day, condemning and forfeiting the product to the United States and ordering its destruction by the marshal.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 13, 1911.*