

Issued January 11, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1853.

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

MISBRANDING OF COFFEE.

At the May, 1912, term of the District Court of the United States for the District of Rhode Island the grand jurors of the United States for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Brownell & Field Co., a corporation, Providence, R. I., charging shipment by said company, in violation of the Food and Drugs Act, on March 2, 1911, from the State of Rhode Island into the State of North Carolina of a quantity of coffee which was misbranded. The product was labeled: "Roasted 2 lbs. Net Bugbee and Brownell Pure Java and Mocha Coffee. Blended with other high grade coffees. Coffees * * * Brownell & Field Co., * * * Providence, R. I."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the blend to be principally, if not entirely, Bogota and Santos in proportions of about five parts Bogota to two parts Santos. The analyst was unable to detect the presence of either Java or Mocha and was of the opinion that should there be any Java in this blend the percentage of this coffee was too small to have any effect upon the blend and that should there be any Mocha coffee in the blend the percentage was too small to have any effect upon the blend. Misbranding was charged in the indictment for the reason that the product bore a certain label, statement, and device regarding the ingredients and substances contained therein which label, statement, and device was false and misleading in that said label bore words set forth above and the label, by means of said statement and device, represented the product to be pure Mocha and Java coffee, blended with other high-grade coffees, but that in truth

and in fact the product was not pure Java and Mocha coffee, blended with other high-grade coffees, and said product contained no pure Java and Mocha coffee. Misbranding was alleged for the further reason that the label set forth above was false and misleading in that said label represented the product to be pure Java and Mocha coffee blended with other high-grade coffee, but that in truth and in fact the product was not pure Java and Mocha coffee blended with other high-grade coffees, and the product contained no substantial amount of pure Java and Mocha coffee.

On May 29, 1912, the defendant company entered a plea of nolo contendere to the indictment and the court imposed a fine of \$20 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 26, 1912.*

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