

Issued October 18, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2528.

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

U. S. v. G. W. Chase & Son Mercantile Co. Plea of nolo contendere. Fine, \$1 and costs.

ADULTERATION AND MISBRANDING OF CHOCOLATE BEANS.

On October 22, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the G. W. Chase & Son Mercantile Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 30, 1911, from the State of Missouri into the State of Nebraska, of 10 pails of chocolate beans which were adulterated and misbranded. The product was labeled: "40# Woolworth & Co., Omaha, Nebr. Chocolate Beans Artificial Flavors. Guaranteed by G. W. Chase & Son Mer. Co. under the Food and Drugs Act, June 30, 1906, Serial No. 4866, 54108 C B & Q Omaha 10-4."

Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Ash, 0.15 per cent; non-volatile ether extract, 0.18 per cent; coating, none; appearance and taste do not indicate the presence of an appreciable amount of chocolate. Adulteration of the product was alleged in the information for the reason that the pails did not, in truth and in fact, contain chocolate beans but some other substance had been substituted in whole or in part for chocolate and the contents of the pails did not contain an appreciable amount of chocolate. Misbranding was alleged for the reason that the statement on the label of each of the pails of the product in prominent position and type was false and misleading, in that it conveyed the impression and so stated that the product contained chocolate, whereas, in truth and in fact, there was not contained in the pails an appreciable amount of chocolate. The product was further misbranded in that the statement "chocolate beans," borne on the label, would mislead and deceive the pur-

chaser into the belief that the product contained chocolate, whereas, in truth and in fact, it contained no appreciable amount of chocolate but a mere trace thereof.

On March 7, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$1 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 14, 1913.*

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