

Issued March 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2714.

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

U. S. v. Four Barrels of Condensed Milk. Decree of condemnation by default. Product ordered sold or released on bond.

ADULTERATION AND MISBRANDING OF CONDENSED MILK.

On July 26, 1911, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four barrels of so-called condensed milk remaining unsold in the original unbroken packages at Richmond, Va., alleging that the product had been shipped on July 11, 1911, by Charles H. Walter, Jr., & Co., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Franklin County Creamery and Condensed Milk Co. Confectioner's Stock. No. Bangor, N. Y."

Adulteration of the product was alleged in the libel for the reason that it was sold as condensed milk when, in truth and in fact, it was not condensed milk but a skimmed milk product, a valuable constituent, namely, cream, having been partially abstracted therefrom. Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the name of another article, that is to say, it was offered for sale as condensed milk when, as a matter of fact, it was made from skimmed milk.

On March 13, 1912, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United

States marshal after marking and branding the same as a skimmed milk product. In lieu thereof, it was further ordered by the court that the product should be delivered either to said consignor or to the consignee, the American Bread & Baking Co., Richmond, Va., upon payment of all the costs of the proceedings and the execution of bond in the sum of \$200 by either, in conformity with section 10 of the Act.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 7, 1913.*

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