

4800. Adulteration and misbranding of condensed milk. U. S. * * * v. 50 Cases of Condensed Milk. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 307-C.)

During the month of September, 1915, the United States attorney for the District of Idaho, 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 50 cases of condensed milk, remaining unsold in the original unbroken packages at Bonners Ferry, Idaho, alleging that the article had been shipped by Morris & Co., Spokane, Wash., and transported from the State of Washington into the State of Idaho, the shipment having been received on or about June 30, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated, short in weight, and misbranded, in that it did not contain the amount of butter fat and milk solids which it professed and [was] guaranteed to contain, as shown by the label upon the cans containing it, and each of the cans did not contain the net weight of milk [as] shown upon the label affixed to each can; that each of the cans of milk bore upon the label attached thereto, statements regarding the milk which were false and misleading as to the proportions of butter fat and milk solids contained in said milk and as to the net weight of the milk contained in the cans; that each of the cans was labeled and branded in such a manner as to deceive and mislead the purchaser thereof; that all of the milk was in package form, to wit, was contained in cans as aforesaid, to each of which cans was attached a label as aforesaid bearing the names "Meadowbrook Condensed Milk Co." and "Darimade," which label purported to state the contents of the cans in the terms of weight and measure, and which labels on each of the cans stated said contents by weight and measure, as aforesaid, incorrectly.

On April 27, 1916, no claimant having appeared for the property, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*