

5308. Adulteration and misbranding of evaporated milk. U. S. * * * v. 66 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7755. I. S. No. 21231-m. S. No. W-144.)

On October 21, 1916, the United States attorney for the western district of Washington, 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 66 cases of evaporated milk, remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about October 1, 1916, by J. B. Lincoln & Co., a corporation, Seattle, Wash., and transported from the State of Washington into the Territory of Alaska, and thereafter reshipped to the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Vernon Evaporated Milk, Mt. Vernon Cream Co. Seattle Washington."

Adulteration of the article was alleged in the libel for the reason that partly evaporated milk had been substituted wholly for said article.

Misbranding was alleged in substance for the reason that the statement on the label, to wit, "Evaporated Milk," was false and misleading, and such as to deceive and mislead the purchaser in that the article was an imitation of, and offered for sale under the distinctive name of, another article, to wit, "Evaporated Milk," when, in truth and in fact, said product was only partly evaporated milk.

On November 20, 1916, John B. Agen Co., Seattle, Wash., claimant having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be redelivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the containers of the article should be relabeled under the supervision and in accordance with the requirements of the Department of Agriculture.

R. A. PEARSON, *Acting Secretary of Agriculture.*