

State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive amount of sand had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sugar Beet Meal," borne on the tags, was false and misleading in that it conveyed to the purchaser the impression that the article was genuine sugar beet meal, whereas, in truth and in fact, it consisted of sugar beet tops, crowns, and tails, and an excessive amount of sand.

On May 7, 1919, 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 destroyed by the United States marshal.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6707. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 125 Cases, 150 Cases, 99 Cases, and 100 Cases of Evaporated Milk. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9048, 9049, 9050, 9051. I. S. Nos. 12135-p, 12137-p, 8004-p. S. Nos. C-901, C-903, C-895.)**

On June 3, 1918, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 125 cases and 150 cases, each containing 48 cans; 99 cases, each containing 72 cans; and 100 cases, each containing 72 cans of evaporated milk at Keokuk, Iowa, alleging that the article had been shipped on or about April 26, 1918; March 5, 1918; February 14, 1918; and April 1, 1918, by the Kahoka Evaporated Milk Co., Kahoka, Mo., and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, "Kahoka Brand Evaporated Milk \* \* \* is prepared from pure milk and evaporated to the consistency of creamy milk."

Adulteration of the article in each shipment was alleged in the libels for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk; and for the further reason that the statement, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser.

Misbranding of the article in the shipments on February 14, 1918, and April 1, 1918, was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 18, 1918, J. Trump & Sons Mercantile Co., Kahoka, Mo., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show that it was partially evaporated milk.

J. R. RIGGS, *Acting Secretary of Agriculture.*