

On May 21, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7734. Adulteration of milk. U. S. \* \* \* v. Pevely Dairy Co., a Corporation. Plea of nolo contendere to count 1 of the indictment. Fine, \$100 and costs. Remaining counts of indictment dismissed. (F. & D. No. 10403. I. S. No. 9727-p.)**

On October 9, 1919, the Grand Jurors of the United States of America within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in 6 counts in the District Court of the United States for the district aforesaid, against the Pevely Dairy Co., a corporation, St. Louis, Mo., charging shipment by said company in the first count of said indictment, in violation of the Food and Drugs Act, on September 26, 1917, from the State of Illinois into the State of Missouri, of a quantity of alleged milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water, that it was dirty by the sediment test, and that *B. coli* were present.

Adulteration of the article was charged in the first count of the indictment for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On May 22, 1920, a plea of nolo contendere was entered on behalf of the defendant company to count 1 of the indictment, and the court imposed a fine of \$100 and costs. The remaining counts of the indictment were dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*

**7735. Adulteration and misbranding of condensed milk. U. S. \* \* \* v. John Jacobson. Tried to the court and a jury. Verdict of guilty. Defendant fined \$200. (F. & D. No. 10113. I. S. No. 9266-p.)**

On July 31, 1919, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Jacobson, Galien, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 24, 1918, from the State of Michigan into the State of Illinois, of a quantity of an article, labeled in part "Regular Condensed Milk," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

|                        | Per cent. |
|------------------------|-----------|
| Total solids_____      | 32.66     |
| Ash _____              | 2.12      |
| Protein (Nx6.38) _____ | 9.38      |
| Lactose _____          | 13.34     |
| Fat _____              | 7.36      |

Microscopical examination shows a small amount of starch present, probably corn starch. Breed count shows 40,000,000 bacteria per cc.

Adulteration of the article was alleged in the information for the reason that a valuable constituent, to wit, butter fat, had been in part removed, and that a substance, to wit, starch, had been substituted in part for condensed milk in a manner whereby the inferiority of the article was concealed. Adulteration of