United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 39-42, FOOD AND DRUGS ACT.

39. Misbranding of corn and beans (Underweight).
40. Misbranding of canned corn (As to presence of saccharin).
41. Adulteration of water (Great Bear Spring).
42. Misbranding of butter (Renovated butter).

(N. J. 39.)

MISBRANDING OF CORN AND BEANS.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of July, 1908, in the district court of the United States for the western district of Missouri, in a proceeding of libel for condemnation of misbranded corn and beans, that is to say, 98 cases of corn and 788 cases of beans, each case containing 24 cans misbranded as to weight of content, wherein the United States was libelant and the Bloomington Canning Company, a corporation, was claimant, the said claimant having filed its answer, and the cause having come on for hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

In the district court of the United States, southwestern division judicial district of Missouri, being the southwestern division the western district of Missouri.

UNITED STATES OF AMERICA

vs.

ONE HUNDRED (100) CASES OF CORN, AND SEVEN HUNDRED AND EIGHTY-EIGHT (788) CASES OF BEANS.

ORDER.

In this cause, it appearing to the court that the Bloomington Canning Company, a corporation of the State of Illinois, has this day filed its claim and answer to the information and monition issued out of this court, wherein said claimant confesses the matters and things set forth in said information and the violation of the act of Congress, approved June 30, 1906, entitled, "An act for preventing the manufacture, sale and transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein and for other purposes," and further prays the

court to enter a decree and judgment in said cause as in said information requested; and said claimant, through its counsel and attorney, J. T. Lillard, esq., consenting thereto, and the court having heard the statements and arguments of counsel on behalf of said claimant and on behalf of the United States, and being fully advised in the premises,

It is, therefore, by the court ordered, adjudged, and decreed that the ninety-eight (98) cases of corn and the seven hundred and eighty-eight (788) cases of beans described in the information filed in this case as one hundred (100) cases of corn and seven hundred and eighty-eight (788) cases of beans, and now in the possession of the United States marshal for this division and district, in the warehouse of R. A. Clark Storage House, 929 Virginia avenue, Joplin, Jasper County, Mo., be, and the same hereby is, declared condemned and forfeited as misbranded within the meaning of the act aforesaid, and the Bloomington Canning Company, the vendor and shipper of said articles, appearing by its claim herewith filed, admitting that said articles were shipped contrary to the provisions of said act of Congress, but that the same was without fraudulent intent, and that it proposes to reclaim the goods and to comply with the provisions of the law in the future, and requesting of the court the benefits and privileges of the proviso to section ten (10) of the act of Congress aforesaid, that it be permitted to pay the costs of said libel proceeding and to execute and deliver a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to law, and the court being fully advised and satisfied in the premises,

It is further ordered that upon the payment of the costs in this proceeding of libel, and upon the execution of a bond to the United States in the sum of twelve hundred ($1,200) dollars, with sufficient surety, to be approved by the judge of this court, with the condition that said articles shall not be sold contrary to law, within ten days herefrom, then the libel proceeding herein against said articles shall be discontinued and dismissed; otherwise the marshal of this district is directed, after first properly labeling said ninety-eight (98) cases of corn and seven hundred and eighty-eight (788) cases of beans, to advertise the same for sale in some newspaper published in the city of Joplin, Jasper County, Mo., at least fifteen (15) days before the day of sale, and sell the same on the premises of said R. A. Clark Storage House, 929 Virginia avenue, Joplin, Jasper County, Mo., for cash to the highest bidder, and to hold the proceeds of such sale until further orders of this court.

JOHN F. PHILLIPS, *Judge.*

The facts in the case were as follows:

On or about June 19, 1908, an inspector of the Department of Agriculture found in the possession of the Interstate Grocery Company at Joplin, Mo., 100 cases of corn and 788 cases of beans, which had been consigned to it by the Bloomington Canning Company of Bloomington, Ill., arriving in part at destination on the 28th day of March, 1908, and in part on the 8th day of May, 1908. The 100 cases of corn, each of which contained two dozen cans, were marked and branded "2 dozen, 3-pound Birthday Brand, Extra Quality Hulled Corn." The 788 cases of beans, each of which contained two dozen cans, were marked and branded "2 dozen, 2-pound, Birthday Brand Extra Quality, Red Kidney Beans." An examination of a number of the cans of corn made by the inspector showed that the actual gross weight of the cans ranged from 38 to 40 ounces. An examination of a number of the cans of beans showed that the average gross weight of the cans was 25 ounces.

It was evident, therefore, that the goods were misbranded, in violation of section 8 of the Food and Drugs Act of June 30, 1906, and on June 22, 1908, the facts were reported by the Secretary of Agriculture to the Attorney-General, who referred them to the United States attorney for the western district of Missouri. Libel for seizure and condemnation, under section 10 of the act, was duly filed in the district court of the United States for said district, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:
JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 26, 1909.*

(N. J. 40.)

MISBRANDING OF CANNED CORN.

(AS TO PRESENCE OF SACCHARIN.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of September, 1908, in the district court of the United States for the western district of Tennessee, in a proceeding of libel for condemnation of 800 cases of misbranded corn, that is to say, corn labeled "Packed with Heyden Sugar" when in fact it was not so packed, but with a sweet substance known as saccharin, wherein the United States was libelant and Smith-Yingling Company, of Westminster, Md., was claimant, the said claimant having failed to answer and the case having come on for a hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

In the district court of the United States for the western division of the western district of Tennessee.

THE UNITED STATES OF AMERICA,
vs.
EIGHT HUNDRED AND FIFTY CASES OF CANNED CORN.

In this cause it appearing to the court, the United States, by Casey Todd, acting United States attorney, and the Smith-Yingling Company, of Westminster, Maryland, the claimant and owner of the property seized herein, by their attor-