

Issued February 8, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 153, FOOD AND DRUGS ACT.

ADULTERATION OF PEACHES.

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 24th day of August, 1909, in the Supreme Court of the District of Columbia, holding a District Court of the United States, a judgment was entered in the below entitled case, upon a libel filed under section 10 of the aforesaid act, alleging in substance:

That 35 boxes of evaporated peaches labeled "Le Rioux Peaches," found on the premises of Henry P. Kern, 1115 D street, N. E., Washington, D. C., in original and unbroken packages, were adulterated within the meaning of section 7 of the act in that they were in a filthy and decomposed condition, covered with mold, infested with worms, and unfit for human consumption. Said libel prayed process against all claimants to said peaches, and seizure and condemnation of the same.

The aforesaid Henry P. Kern appeared as claimant of the peaches and filed his answer, admitting the allegations of the libel and joining in the prayer of the libellant for a judgment of condemnation of said peaches, whereupon the court rendered its decree in substance and form as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A DISTRICT COURT.

UNITED STATES OF AMERICA, *Libellant*,
vs
THIRTY-FIVE BOXES OF LE RIOUX PEACHES, } District No. 838.

JUDGMENT OF CONDEMNATION.

It appearing to the Court that Henry P. Kern, the owner of the goods seized herein, has appeared in proper person and answered said libel, admitting that

the said goods are adulterated as alleged therein, and consenting to the immediate judgment of condemnation thereof and that the same may be destroyed in such manner as may be provided by order of this Court, it is, this 24th day of August A. D. 1909.

ADJUDGED, ORDERED AND DECREED: that the said articles so seized in this cause be and they are hereby declared to be adulterated in violation of the Act of Congress approved June 30, 1906, as set forth in said libel.

IT IS FURTHER ORDERED that the said thirty-five boxes, more or less, of said peaches, so seized, be and they are hereby ordered to be condemned and destroyed by the Marshal breaking open each of said boxes and scattering the contents thereof and delivering same to the garbage contractor for the District of Columbia, and that they then be destroyed in the same manner as other garbage collected for the said District, and that the said Marshal make his return to this Court showing that the order has been carried out in full.

IT IS FURTHER ORDERED that the said Henry P. Kern, owner of said articles, pay all costs of these proceedings.

The facts in the case were as follows:

On or about August 21, 1909, an inspector of the Department of Agriculture found in the possession of Henry P. Kern, at No. 1115 D Street, N. E., Washington, D. C., 35 boxes of peaches, each box containing 50 pounds, labeled "Le Rioux Peaches." These goods had been purchased by said Kern from the firm of Miller, Clagett Company, Washington, D. C., and were intended for use in the manufacture of pies. A sample of the peaches was collected by the inspector and submitted to the Bureau of Chemistry for examination, where it was found to be filthy, decomposed, mold covered, and infested with worms and unfit for human consumption. On August 21, 1909, the facts were reported by the Secretary of Agriculture to the United States Attorney for the District of Columbia and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

