

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 363, FOOD AND DRUGS ACT.

MISBRANDING OF BAKING POWDER.

On or about June 2, 1908, the Southern Manufacturing Company, of Richmond, Va., shipped from the State of Virginia to the State of Louisiana 501 cases of baking powder. Examination of samples of this shipment made in the Bureau of Chemistry, United States Department of Agriculture showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. It appearing from the findings of the analyst and report made that the shipment was subject to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana. In due course a libel was filed against the said 501 cases of baking powder, charging misbranding. Two hundred cases were labeled "One hundred Cans six-ounce Good Luck One Spoon Baking Powder, Southern Mfg. Co., Richmond, Va.", and 301 cases were labeled "Fifty Cans sixteen-ounce Good Luck One Spoon Baking Powder, Southern Mfg. Co., Richmond, Va.", which form of labeling is false, misleading, and deceptive, in that it indicates that the cans contained six ounces, and sixteen ounces, respectively, whereas in fact the average in weight of the unit packages is considerably less than claimed in each case. Thereupon the Southern Manufacturing Company entered its appearance and filed its claim as owner of the product, and on January 15, 1909, the case came on for hearing, and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to the claimant upon payment of the costs, and filing of a bond to be approved by the court, conditioned that the goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1910.*

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