

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 814, FOOD AND DRUGS ACT.

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#### ADULTERATION OF ICE CREAM CONES.

On or about July 16, 1910, the Star Wafer Company, Oklahoma City, Okla., shipped from the State of Oklahoma into the State of Missouri 112 boxes of ice cream cones in three consignments, two of 50 boxes each and one of 12 boxes. One hundred of said boxes were labeled: "McPike Drug Co., Kansas City, Mo. These cones sweetened with less than 1/50 grain of saccharine"; the remaining cones being labeled: "Pink-Yellow. McPike Drug Co., Kansas City, Mo." Analysis of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain boric acid, or the salts thereof, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On July 29, 1910, a libel was filed in the District Court of said district against the said 112 boxes of ice cream cones, charging the above shipment and alleging that the product so shipped was adulterated within the meaning of the act, in that it contained an added poisonous and deleterious ingredient which might render said cones injurious to health, to wit, boric acid or the salts thereof, and praying seizure, condemnation, and forfeiture of the product.

On November 30, 1910, the cause came on for hearing and, the court being fully informed in the premises, issued its decree finding the product to be adulterated as alleged in said libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district; which order was forthwith executed.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 17, 1911.*