

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1203.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF PHOSPHATE.

On March 7, 1911, the United States Attorney for the District of Indiana, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 100 barrels of phosphate, in the possession of Hulman & Co., Terre Haute, Ind. The product was labeled: "Provident Chemical Works, 300 lbs., O. K., St. Louis, Guaranty Legend, Serial No. 381."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Microscopical examination: corn starch present; fluorides, very slight etching with 5 grams.; Gutzeit test for arsenic, strongly positive; arsenic, 75 parts per million. The libel alleged that the product, after transportation from the State of Missouri into the State of Indiana, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, in that it contained an added poisonous ingredient, to wit, arsenic, which rendered said product injurious to health, and there had been mixed and packed with it a certain substance, to wit, corn starch, which reduced and lowered its quality and strength, and that said product was therefore liable to seizure for confiscation.

On May 13, 1911, the cause coming on for hearing, and it appearing to the court that the Provident Chemical Works, a corporation, had intervened as claimant, and filed answer, the court found the said product adulterated as alleged in the libel, and that the United States

was entitled to a decree of condemnation. Accordingly a decree was entered on that day, condemning and forfeiting the goods to the United States, and ordering their destruction by the marshal, but with the proviso that upon the payment of all costs and the giving of a bond by said claimant, in the sum of \$1,000, conditioned that said product should not again be sold contrary to law, that same should be released to the claimant.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 13, 1911.*

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