

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1395.

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

ADULTERATION OF ICE CREAM CONES.

On July 2, 1910, the United States Attorney for the Northern District of Georgia, 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 48 packages of ice cream cones in the possession of the Blue Seal Ice Cream Co., Atlanta, Ga. The product was labeled, "Ice Cream Cones—Manufactured by the Consolidated Wafer Co."

Analysis by the Bureau of Chemistry of the United States Department of Agriculture of a sample of said product showed the following results: Boric acid, 0.16 per cent; saccharin, present; artificially colored. The libel alleged that the product, after shipment from the State of New York into the State of Georgia, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it contained an added deleterious ingredient, to wit, boric acid, which might render said product injurious to health, and was therefore liable to seizure for confiscation.

On April 6, 1911, the case coming on for hearing and it appearing to the court that the Blue Seal Ice Cream Co. had appeared and filed answer to the libel, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, and ordering it to be destroyed by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 6, 1912.*

