

F. & D. Nos. 2276 to 2302, inclusive.

I. S. Nos. 20667-b, 21188-b, 22415-b, 22422-b, 20670-b, 21189-b, 22418-b,
22423-b, 21184-b, 21190-b, 22419-b, 22424-b, 21185-b, 22378-b, 22389-b,
22396-b, 23209-b, 22385-b, 22395-b, 22397-b, 23206-b, 22408-b, 22420-b,
21187-b, 22409-b, 22421-b, and 22427-b.

Issued February 6, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1892.

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

ADULTERATION OF MILK AND CREAM.

On May 2, 1911, the United States Attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 27 counts against the French Brothers-Bauer Co., a corporation, Cincinnati, Ohio, alleging shipment by said company on or about June 14, 1910, from the State of Ohio into the State of Kentucky, of 27 separate consignments of milk and cream which were adulterated. The milk was labeled: "The French Bros. Dairy Co. Pasteurized 165° within 24 hours of delivery. Cincinnati, O." The cream was labeled: "The French Bros. Dairy Co." Some of the milk bore no label. Analyses of samples of the product from the 27 shipments showed the following results:

Sample No. 1, milk.—The analysis shows this sample to contain 41,400,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 24,000,000 organisms on lactose litmus agar, of which 99 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 2, cream.—The analysis shows this sample to contain 160,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 47,000,000 organisms on lactose litmus agar, of which 62.5 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 3, cream.—The analysis shows this sample to contain 640,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 170,000,000 organisms on lactose litmus

agar, of which 18.8 per cent were acid types; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 4, milk.—The analysis shows this sample to contain 7,320,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 7,720,000 organisms on lactose litmus agar, of which 97 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 5, milk.—The analysis shows this sample to contain 12,720,000 organisms per cubic centimeter after 2 days' incubation at 25° C.; 8,400,000 organisms on lactose litmus agar, of which 84.2 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter; 1,000 streptococci per cubic centimeter. *B. coli* isolated.

Sample No. 6, cream.—The analysis shows this sample to contain 41,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 2,800,000 organisms on lactose litmus agar, of which 92.8 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 7, milk.—The analysis shows this sample to contain 53,200,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 11,500,000 organisms on lactose litmus agar, of which 89.7 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 8, milk.—The analysis of this sample shows it to contain 21,200,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 2,160,000 organisms on lactose litmus agar, of which 60.3 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 9, milk.—The analysis shows this sample to contain 18,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 13,800,000 on lactose litmus agar, of which 97.8 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 10, milk.—The analysis shows this sample to contain 13,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 7,200,000 organisms on lactose litmus agar, of which 98.3 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 11, milk.—The analysis shows this sample to contain 54,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 21,600,000 organisms on lactose litmus agar, of which 93.1 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 12, cream.—The analysis shows this sample to contain 292,000,000 organisms per cubic centimeter on plain agar after 2

days' incubation at 25° C.; 21,000,000 organisms on lactose litmus agar, of which 96 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 13, cream.—The analysis shows this sample to contain 154,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 54,000,000 organisms on lactose litmus agar, of which 97 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 14, milk.—The analysis shows this sample to contain 10,900,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 1,000,000 organisms on lactose litmus agar, of which 60 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter.

Sample No. 15, milk.—The analysis shows this sample to contain 21,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 16, cream.—The analysis shows this sample to contain 546,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 31,000,000 organisms on lactose litmus agar, of which 93 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 17, milk.—The analysis shows this sample to contain 12,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 48,000,000 organisms on lactose litmus agar, of which 95.9 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 18, milk.—The analysis shows this sample to contain 14,400,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 6,000,000 organisms on lactose litmus agar, of which 70 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 19, cream.—The analysis shows this sample to contain 282,200,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 116,000,000 organisms on lactose litmus agar, of which 99.1 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 20, cream.—The analysis shows this sample to contain 295,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 152,000,000 organisms on lactose litmus agar, of which 99.3 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 21, cream.—The analysis shows this sample to contain 308,000,000 organisms per cubic centimeter on plain agar after 2

days' incubation at 25° C.; 71,000,000 organisms on lactose litmus agar, of which 82.7 per cent were of the acid type; 100,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 22, cream.—The analysis shows this sample to contain 212,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 372,000,000 organisms on lactose litmus agar, of which 19.8 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 23, cream.—The analysis shows this sample to contain 218,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 212,000,000 organisms on lactose litmus agar, of which 77 per cent were of the acid type; 100,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 24, milk.—The analysis shows this sample to contain 12,480,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 19,600,000 organisms on lactose litmus agar, of which 80.7 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 25, milk.—The analysis shows this sample to contain 7,060,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 7,440,000 organisms on lactose litmus agar, of which 90 per cent were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 26, milk.—The analysis shows this sample to contain 20,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 5,920,000 organisms on lactose litmus agar, of which 95.9 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Sample No. 27, milk.—The analysis shows this sample to contain 20,000,000 organisms per cubic centimeter on plain agar after 2 days' incubation at 25° C.; 6,000,000 organisms on lactose litmus agar, of which 92 per cent were of the acid type; 10,000 gas-producing organisms per cubic centimeter. *B. coli* isolated.

Adulteration in all 27 of the consignments of the product was alleged in the information, for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On April 10, 1912, the case having come on for trial before the court and a jury, the jury returned a verdict of guilty as to each of the 27 counts, and on May 6, 1912, the court imposed a fine of \$10 as to each of the 27 counts in the information, aggregating \$270, and costs of \$64.05.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 30, 1912.*