

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1957.

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

ADULTERATION OF MILK.

On July 8, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against the Union Dairy Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri—

(1) On or about July 22, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 2,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 6,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; all alkaline; 100 *B. coli* group; 100 streptococci. (Sample No. 2) 6,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 7,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; all alkaline; 1,000 *B. coli* group. (Sample No. 3) 5,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 8,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 3,000,000 acid organisms; 100 gas-producing organisms. (Sample No. 4) 6,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 4,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 200,000 acid organisms; 10,000 *B. coli* group. (Sample No. 5) 6,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 2,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 500,000 acid organisms; 1,000 *B. coli* group; 10,000 streptococci. (Sample No. 6) 8,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 12,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; all alkaline; 100 *B. coli* group; 10,000 streptococci. (Sample No. 7) 7,300,000 bacteria per cc, plain agar, after 2 days at 37° C.; 11,000,000 bacteria per cc, litmus lactose agar after 2 days at

37° C.; 10,000 streptococci. (Sample No. 8) 3,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 4,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 1,000,000 acid organisms; 1,000 *B. coli* group; 1,000 streptococci. (Sample No. 9) 13,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 7,000,000 bacteria per cc, litmus lactose agar, after 2 days at 37° C.; 1,000,000 acid organisms; 100 *B. coli* group. (Sample No. 10) 10,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 8,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 3,000,000 acid organisms; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 11) 5,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 7,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 100 *B. coli* group. Adulteration of the product was alleged in the information for the reason that it consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, streptococci, and acid organisms, and said product was filthy and decomposed.

(2) On July 13, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of a sample of the product by the Bureau of Chemistry showed the following results: 1,300,000 bacteria per cc, plain agar, after 2 days at 37° C.; 4,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 100 per cent acid; 100,000 *B. coli* group; 10,000 streptococci. Adulteration was alleged in the information for the reason that the product consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, and streptococci, and said product was filthy and decomposed.

(3) On July 15, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of samples of the product by the Bureau of Chemistry showed the following results: (Sample No. 1) 3,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 4,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; all acid colonies; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 2) 4,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 20,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 100 per cent acid; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 3) 5,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 15,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; all acid colonies; 10,000 *B. coli* group; 1,000 streptococci. Adulteration was alleged in the information for the reason that the product consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, streptococci, and acid organisms, and the product was filthy and decomposed.

(4) On July 10, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of samples of the product by the Bureau of Chemistry showed the following results: (Sample No. 1) 13,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 gas-producing organisms; 1,000,000 streptococci. (Sample No. 2) 13,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 3) 130,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 100,000 streptococci. Adulteration was alleged in the information for the reason that the product consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, streptococci, and gas-producing organisms, and said product was filthy and decomposed.

(5) On or about July 7, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of samples of the product by the Bureau of Chemistry showed the following results: (Sample No. 1) 50,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 40,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 40,000,000 acid organisms; 1,000,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 2) 50,000,000 bacteria per cc, plain agar, after 2 days, at 37° C.; 100,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 100,000,000 acid organisms; 1,000,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 3) 34,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 50,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 50,000,000 acid organisms; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 4) 6,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 14,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 14,000,000 acid organisms; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 5) 19,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 22,000,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 22,000,000 acid organisms; 1,000,000 *B. coli* group; 1,000,000 streptococci. Adulteration was alleged in the information for the reason that the product consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, streptococci, and acid organisms, and the product was filthy and decomposed.

(6) On or about July 13, 1911, of a quantity of milk which was adulterated. The product bore no label. Analysis of samples of the product by the Bureau of Chemistry showed the following results: (Sample No. 1) 120,000 bacteria per cc, plain agar, after 2 days at 37° C.; 200,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 10,000 acid organisms; 100 gas-producing organisms. (Sample No. 2) 160,000 bacteria per cc, plain agar, after 2 days at 37° C.;

3,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 2,000 acid organisms; 1,000 gas-producing organisms. (Sample No. 3) 1,400,000 bacteria per cc, plain agar, after 2 days at 37° C.; 210,000 bacteria per cc, litmus lactose agar after 2 days at 37° C.; 40,000 acid organisms; 1,000 *B. coli* group; 10,000 streptococci. Adulteration was alleged in the information for the reason that the product consisted wholly or in large part of filthy, decomposed, and putrid animal substances, to wit, bacteria, including *B. coli* group, streptococci, acid organisms, and gas-producing organisms, and said product was filthy and decomposed.

On July 29, 1912, the defendant company entered a plea of nolo contendere to the information, and on July 30, 1912, the court imposed a fine of \$25 and costs on each count thereof, making a total fine of \$150, with costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 16, 1912.*

1957

