

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2058.

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

ADULTERATION OF CHICORY.

On May 13, 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 a libel for the seizure and condemnation of 60 bags, each containing 160 pounds, of chicory remaining unsold in the original unbroken packages and in possession of the Hanley & Kinsella Tea & Coffee Co., St. Louis, Mo., alleging that the product had been shipped during the month of April or May, 1912, by E. B. Muller & Co., Fort Gratiot, Mich., and transported from the State of Michigan into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Thirty of said bags were branded: "12A" and bore tags inscribed "Hanley and Kinsella #o. 12 A," and the remaining thirty bags were branded "14," and bore tags inscribed "#14 Hanley and Kinsella."

Adulteration of the product was alleged in the libel for the reason that a substance other than chicory, to wit, sand, had been mixed and packed with the chicory so as to reduce, lower, and injuriously affect its quality and strength, the sand so mixed with the chicory in each of the bags being to an amount equal to between 5 and 6 per cent of the contents of each of the bags.

On July 3, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal. On October 11, 1912, a supplemental decree was entered providing that the product should be released to said E. B. Muller, claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 7, 1913.*