

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2134.

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

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### ALLEGED ADULTERATION AND MISBRANDING OF CANNED CORN.

On July 12, 1912, the United States Attorney for the District of Colorado, 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 517 cases, each containing 2 dozen cans of sugar corn, remaining unsold in the original unbroken packages and in the possession of the Hickman-Lunbeck Grocery Co., a corporation, Greeley, Colo., alleging that the product had been shipped from the State of Nebraska into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Golden Queen Extra Fine Sugar Corn, Packed by Atlantic Canning Co., Atlantic, Iowa, and Fremont, Neb. This can contains sugar corn, granulated sugar, salt and water."

Adulteration of the product was alleged in the libel for the reason that the cans contained field corn, which was substituted in whole or in part for sugar corn so as greatly to reduce and lower the quality of the product. Misbranding was alleged for the reason that the labels and brands on the product regarding it were false and misleading and intended to deceive and mislead the purchaser into believing that the product was extra fine sugar corn, whereas, in truth and in fact, it was not sugar corn, but instead it was field corn in whole or in part.

On August 28, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the property should be sold by the United States marshal. On October 30, 1912, the said Atlantic Canning Co., claimant, having petitioned the court to reopen and vacate the final decree above referred to, it was ordered that the said final decree be vacated and set aside and that the said claimant be granted the right to defend the libel. It was further ordered that all acts done and steps taken theretofore, under and by virtue of said final decree, be confirmed without prejudice to the rights of said claimant company to prosecute, before the proper Department or Court of Claims, its claim for the money obtained from the sale of the product, less the costs, charges, and expenses of said proceedings.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 20, 1912.*

