

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2597.

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

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**U. S. v. John Fisher. Plea of guilty. Fine, \$100, and sentenced to 60 days' imprisonment. Sentence of imprisonment remitted upon conditions.**

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### ADULTERATION OF MILK AND CREAM.

On October 16, 1912, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Fisher, Newport, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 10, 1911, from the State of Kentucky into the State of Ohio of quantities of milk and cream which were adulterated. Some of the product was labeled: (On cap) "Guaranteed Pure Milk. Please put bottles out every day." Blown in some of the bottles were the names of various firms for whom said bottles were originally made.

Bacteriological examination of six of the samples of the product by the Bureau of Chemistry of this Department showed the following average results: 23,550,000 organisms per cc, plain agar, after 4 days, at 25° C.; 21,650,000 organisms per cc, plain agar, after 4 days at 37° C.; 21,430,000 organisms per cc, litmus lactose agar, after 4 days, at 25° C.; 19,300,000 organisms per cc, of the acid type; 21,160,000 organisms per cc, litmus lactose gelatin, after 4 days, at 20° C.; 17,360,000 organisms per cc, of the acid type; 900,000 liquefiers per cc; *B. coli* isolated. Twenty-nine samples of milk, analyzed separately, were found to contain 10.66 to 11.35 per cent of total solids, 1.9 to 2.8 per cent of fat, and 7.96 to 8.55 per cent of solids not fat, and were all therefore either skimmed or skimmed and watered; all, moreover, contained visible sediment of dirt and filth. Five samples of alleged cream were found by analysis to contain only 12.5

per cent of milk fat and to be artificially colored with annatto. Adulteration of the product was alleged in the information for the reason that said milk and cream consisted in part of filthy and decomposed animal and vegetable substance and contained an excessive number of bacteria, including members of the *B. coli* group, which said bacteria were of the kind dangerous to human life, and said products were composed in part of decomposed, putrid, and fecal matter and were unfit for human use and consumption. It was further alleged in the information that on September 1, 1909, an information was filed in the District Court of the United States for the Eastern District of Kentucky charging the defendant with a violation of section 2 of the Food and Drugs Act of June 30, 1906, and that on October 18, 1909, said defendant was convicted and a judgment was rendered against him in said prosecution.

On October 23, 1912, the defendant entered a plea of guilty to the information filed in the present proceeding and the court imposed a fine of \$100 and 60 days in jail, the jail sentence being suspended on condition that the defendant keep out of the milk business.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 17, 1913.*

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