

United States Department of Agriculture,

OFFICE OF THE SECRETARY,
BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 69-81, FOOD AND DRUGS ACT.

- 69. Misbranding of rye flour (As to presence of wheat).
- 70. Misbranding of canned peas (Underweight).
- 71. Misbranding of lemon extract (As to presence of lemon oil).
- 72. Misbranding of canned cherries (Underweight).
- 73. Misbranding of vinegar (Colored imitation fruit vinegar).
- 74. Misbranding of maple sirup (As to presence of cane sugar sirup).
- 75. Adulteration and misbranding of pepper (As to presence of nut shells, fruit pits, etc.).
- 76. Adulteration of oats (As to presence of barley).
- 77. Misbranding of canned tomatoes (Underweight).
- 78. Misbranding of water (As to origin and source).
- 79. Misbranding of tomato catsup (As to presence of screenings and waste).
- 80. Misbranding of salad oil (As to origin).
- 81. Adulteration of milk (Water).

(N. J. 69.)

MISBRANDING OF RYE FLOUR.

(AS TO PRESENCE OF WHEAT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 315 sacks of rye flour blended, a proceeding of libel for seizure and condemnation of said goods under section 10 of the aforesaid act, lately pending in the district court of the United States for the northern district of Ohio, wherein J. B. A. Kern & Sons, of Milwaukee, Wis., were claimants. The flour was misbranded in violation of section 8 of the act, in this, it was labeled "Kern's Rye Flour Blended," whereas, in fact, it was a mixture of rye and wheat flours. The claimants having filed their answer admitting the allegations of the libel, and the cause having come on for final hearing on October 29, 1908, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION.

THE UNITED STATES OF AMERICA, <i>Libellant,</i>	}
<i>vs.</i>	
315 SACKS OF RYE FLOUR BLENDED, <i>Respondent.</i>	

DECREE.

This cause coming on to be heard on the libel of information and the answer to the same filed herein, the court finds that all the allegations contained in the libel of information are confessed and admitted to be true.

That the 315 sacks of flour, more or less, equivalent to seventy-five barrels, purporting and represented to be rye flour blended, were transported from Milwaukee, in the State of Wisconsin, to Cleveland, in the State of Ohio, and at the time of the filing of the libel of information, and at the time of the seizure of the same, remained in original unbroken packages and unloaded at Cleveland, at the northern district of Ohio, and within the jurisdiction of this court.

Wherefore the said 315 sacks of flour are condemned as being misbranded within the meaning of the act of Congress of June 30th, 1906, known as the Food and Drugs Act of June 30th, 1906.

That it is the order of this court that the 315 packages of flour, hereinbefore referred to, shall be sold in the manner and form provided by law; that the proceeds of said sale, less the legal costs and charges thereof, shall be paid into the United States Treasury.

Provided, however, that if within ten days from the entering of this order the costs of this proceeding, taxed at 71.49 dollars, shall be paid and a good and sufficient bond in the sum of one thousand dollars (\$1,000.00) delivered; the said bond being conditioned that the 315 sacks of flour shall not be sold or otherwise disposed of contrary to the provisions of the act of Congress of June 30th, 1906, known as the Food and Drugs Act of June 30th, 1906, nor contrary to the laws of any State, Territory, or insular possession of the United States, that then the said 315 sacks of flour shall be delivered to J. B. A. Kern and Sons, the owners thereof.

October 29, 1908.

The facts in the case were as follows:

On or about September 10, 1908, an inspector of the Department of Agriculture located en route from Milwaukee, Wis., to Cleveland, Ohio, a carload of thirty-five 140-pound sacks, one hundred and twenty 49-pound sacks, and one hundred and sixty 24½-pound sacks of a product labeled "Kerns Rye Flour Blended." The flour had been shipped by J. B. A. Kern & Sons, from Milwaukee, Wis., to themselves at Cleveland, Ohio, with instructions to notify W. Edwards & Co. A sample of the flour was subjected to analysis in the Bureau of Chemistry, Department of Agriculture, and the results showed the presence of wheat flour.

In the opinion of the Department of Agriculture rye flour is the fine, clean, sound product made by bolting rye meal and contains not more than thirteen and one-half (13.5) per cent of moisture, not less than one and thirty-six hundredths (1.36) per cent of nitrogen, and not more than one and twenty-five hundredths (1.25) per cent of ash.

It was evident that the product was misbranded within the meaning of section 8 of the act, for the reason that it was labeled "Rye Flour Blended," whereas it was in fact neither rye flour nor a blend of rye flours, but a mixture of unlike substances, rye flour and wheat flour.

Accordingly on September 11, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the

northern district of Ohio and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., June 16, 1909.

(N. J. 70.)

MISBRANDING OF CANNED PEAS.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 900 cases of peas, a proceeding of libel for seizure and condemnation of said goods under section 10 of the aforesaid act, lately pending in the district court of the United States for the southern district of Ohio, wherein the Van Camp Packing Company of Indianapolis, Ind., was claimant. The peas were misbranded for the reason that the cans in which they were contained were labeled "Standard Sifted Early June Peas. The Van Camp Packing Co., Indianapolis, Ind. Net weight 22 ounces," and "Van Camp's Early June Peas. The Van Camp Packing Co., Indianapolis, Indiana. Net weight 22 ounces," whereas, in fact, the net weight of the cans was considerably less than 22 ounces. The said claimant having admitted the allegations of the libel, and the cause having come on for final hearing on December 2, 1908, the court rendered its decree in substance and in form as follows:

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION.

THE UNITED STATES OF AMERICA	} No. 1951.
<i>vs.</i>	
NINE HUNDRED CASES OF PEAS.	

ORDER.

The claimants of the peas herein having admitted in open court that the facts and statements contained in the libel herein are true, and having presented bond in the sum of two thousand dollars (\$2,000) as provided in section 10 of the act of Congress, approved June 30, 1906;

It is hereby ordered that upon the payment of the costs of this action and the approval of said bond by the clerk as to its sufficiency, the marshal is directed to release to the substituted claimants, to wit, the Van Camp Packing Company, the cases of peas seized herein.