

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NO. 4, FOOD AND DRUGS ACT.

MISBRANDING OF COFFEE.

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 that on the 30th day of April, 1908, in the District Court of the United States for the District of Massachusetts, in a proceeding of libel for condemnation of two hundred and ten packages of coffee, labeled and branded in part "Refined Coffee, Digesto Brand," wherein the United States was libellant and the United States Coffee Refining Company, a corporation, was claimant, the cause having come on for a hearing and the claimant having waived its exceptions to the libel, and failed to answer, a decree was rendered, in substance and form as follows:

DODGE, J. This cause came on to be heard before me, and, after hearing the complainant, the claimant having waived his exceptions and failed to answer, it is now, to wit: April 30, 1908, ordered, adjudged, and decreed that said two hundred and ten packages of coffee are misbranded but not adulterated within the meaning of the Food and Drugs Act, June 30, 1906, and upon petition of the claimant it is further ordered, adjudged, and decreed that upon the payment of the costs of the libel proceedings and upon the execution and delivery of a bond in the sum of two hundred (200) dollars conditioned that said two hundred and ten packages shall not be sold or otherwise disposed of contrary to the provisions of the said act, or the laws of any State, Territory, or insular possession, said packages of coffee shall be delivered to the claimant.

This case grew out of the following state of facts:

On or about March 24, 1908, an inspector of the Department of Agriculture located on the premises of the Metropolitan Steamship Company, India Wharf, Boston, Mass., a consignment consisting of a number of cases, each of which contained one dozen packages of "Refined Coffee, Digesto Brand," subject to the order of the United States Coffee Refining Company, of New York City. The label appearing on each in full was as follows:

Refined Coffee, Digesto Brand. This high-grade coffee is the only really refined coffee known. The excess of *both* caffeine and caffetannic acid has been removed. Consequently, its flavor is better than other coffee, because this bitterness and

acidity have been extracted. Does ordinary coffee hurt you? Many people cannot drink unrefined coffee because it contains the irritating poisons, caffeine and tannic acid. They produce—headache, wakefulness, palpitation of the heart, nervousness, nervous dyspepsia, indigestion, biliousness, languid feeling, heartburn, depression of spirits, irritability, tremulousness, caffeinism. (See Century Dictionary.) Why refined coffee will not hurt you: The excess of irritating bitter poison is taken out of this coffee. It is refined by both mechanical and chemical processes.

The product was misbranded in violation of section 8 of the Food and Drugs Act, as appeared from the analysis made by the Bureau of Chemistry, Department of Agriculture, the results of which are hereinbelow set forth, in that it purported to be a refined coffee, when as a matter of fact it was not, and in that the following statements were made which were false, deceptive, and misleading: It was claimed that the coffee, by reason of its purity, was the best in the world for flavor and aroma. It was represented that the excess of both caffeine and caffeotannic acid had been removed from the coffee, whereas in truth and in fact no portion of these substances had been so removed, unless by the removal of a portion of the substance of the coffee itself; that its flavor was better than any other coffee because bitterness and acidity had been extracted; that the reduction of the bitter and acid elements left the coffee in a highly purified form; that the excess of irritating bitter poison had been taken out of the coffee, and that it was refined by both mechanical and chemical processes; and that the manner in which the coffee was prepared permitted the real flavoring constituent—an aromatic oil—to be extracted easily by boiling.

A sample of the coffee was obtained by an inspector of the Department of Agriculture, and on analysis the results given below were obtained. At the same time an analysis of a sample of ordinary roasted coffee purchased on the open market was made and these results are also given for comparison:

Analysis of "Digesto" and of ordinary coffee.

Determination.	"Digesto" coffee.	Ordinary roasted coffee.
Water (per cent)	2.45	3.19
Ash (per cent)	4.23	3.92
Alkalinity of ash (cc of normal acid per 100 grams of material)	48.2	48.4
Fat (per cent)	14.10	15.92
Proteids (N×6.25) (per cent)	12.43	13.50
Chloroform extract from alkaline solution of the water extract	1.24	1.30
Acidity (cc of normal alkali per 100 grams of material)	22.0	28.0
Caffeotannic acid (per cent)	10.88	10.67
Caffein (per cent)	1.06	1.04

The results of these analyses showed that the sample of "Digesto" coffee corresponded very closely in composition with the average roasted coffee, contained a normal amount of caffeotannic acid and caffeine, and

had not been treated in any manner so as to produce a material difference between it and the average coffee.

On March 25, 1908, the facts were reported by the Secretary of Agriculture to the United States Attorney at Boston, Mass. Libel for seizure and condemnation was duly filed in the District Court of the United States for the District of Massachusetts, under section 10 of the act, with the result hereinbefore stated.

H. W. WILEY,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

W. L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 6, 1908.*

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