

appearing that the said Hessig-Ellis Drug Company, a corporation of Memphis, Tenn., and the Muco-Solvent Company, manufacturer, and F. A. Gatlin, doing business as the Gatlin Drug Company, the manufacturer and shipper and consignee, respectively, of said goods, have had full, complete, actual knowledge of the proceedings heretofore had herein, it is now by the court considered and decreed that the forty-one boxes of Muco-Solvent seized herein be forthwith destroyed by the marshal of this court.

JOHN C. POLLOCK, *Judge.*

The facts in the case were as follows:

During the month of October, 1908, Dr. S. J. Crumbine, secretary of the State board of health of Kansas, acting under authorization of the Secretary of the United States Department of Agriculture, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Gatlin Drug Company, Topeka, Kans., 41 boxes of a drug preparation, each box bearing the label "Muco-Solvent cures croup, whooping-cough, diphtheria, all throat troubles and catarrhal disorders." The goods were received by the Gatlin Drug Company from the Hessig-Ellis Drug Company, Memphis, Tenn., distributing agents for the Muco-Solvent Company of Chicago, Ill. It was evident that the preparation was misbranded in violation of section 8 of the act for the reason that the statement given on the label that it would cure the diseases mentioned was unwarranted and untrue, and, therefore, false, misleading, and deceptive within the meaning of the act. Accordingly, on October 26, 1908, the facts were reported by Doctor Crumbine to the United States attorney for the district of Kansas and libel for seizure was duly filed and the goods seized by the United States marshal, with the results hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 17, 1909.*

(N. J. 55.)

MISBRANDING OF COFFEE.

(AS TO GEOGRAPHICAL SOURCE.)

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 14th day of

December, 1908, in the District Court of the United States for the Southern District of Ohio, in proceedings of libel for condemnation of 60 cases of misbranded coffee, wherein the United States was libelant and the Climax Coffee and Baking Powder Company, Indianapolis, Ind., was claimant, the said claimant having by its answer admitted the allegations of the libels, and the causes having come on to be heard, the court adjudged the coffee misbranded and entered an order in substance and in form as follows:

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

THE UNITED STATES OF AMERICA }
vs. } No. 1952, Order.
TWENTY-SEVEN CASES OF COFFEE. }

It appearing to the court that cases Nos. 1953 and 1954 in this court have been consolidated with this case, involving the seizure of sixty cases of coffee, and it further appearing that the substituted claimant herein, the Climax Coffee & Baking Powder Company has filed an answer admitting the allegations contained in the several libels herein and offers to pay the costs of this proceeding and give a bond in the sum of one thousand (\$1,000.00) dollars, conditioned that the goods seized shall be labeled and branded properly under the Food and Drugs Act, and the court being fully advised in the premises;

It is hereby ordered that upon claimant, the Climax Coffee & Baking Powder Company, giving bond in the sum of one thousand (\$1,000.00) dollars, conditioned that the goods seized shall be labeled and branded properly under the Food and Drugs Act, and upon payment of the costs herein, the marshal is hereby instructed to release said goods to said claimant; and a certified copy of this order shall be his authority to act in the premises.

The facts in the case were as follows:

On or about December 4, 1908, an inspector of the Department of Agriculture found in Cincinnati, Ohio, 16, 17, and 27 cases of coffee, in the possession, respectively, of Lewis Bros., J. C. Kerr Co., and Baum & Cogleve. The coffee had been packed and shipped to the said firms by the Climax Coffee and Baking Powder Company, Indianapolis, Ind. Each shipping case was labeled and branded "Climax Java Blend Coffee, Climax Coffee and Baking Powder Company, Indianapolis, Indiana," and contained 100 one-pound packages of coffee, a portion being labeled "Climax Package Coffee, a Combination of High Grade Old Crop Coffee of Scientific Blending," and the remainder, "Climax Java Blend Coffee, a Combination of High Grade Old Crop Coffee of Scientific Blending." Samples of the coffee were subjected to analysis in the Bureau of Chemistry of the Department of Agriculture, and the results obtained showed the product to consist exclusively of a low-grade Rio coffee, no Java coffee being present, nor any evidence of scientific blending. It was apparent, therefore, that the labels on the shipping cases and on both brands of the retail packages were false,

misleading, and deceptive, in violation of section 8 of the act. Accordingly, on December 7, 1908, the facts were reported to the United States attorney for the southern District of Ohio and libels for seizure and condemnation, under section 10 of the act, were duly filed, with the result hereinbefore stated. On December 15, 1908, the claimant, the said Climax Coffee and Baking Powder Company, having filed a good and sufficient bond, in accordance with section 10 of the act, the coffee was redelivered to it.

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

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 17, 1909.*

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