

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 309, FOOD AND DRUGS ACT.

MISBRANDING OF "COKE EXTRACT."

(SOFT DRINK CONTAINING COCAIN.)

On or about January 6, 1909, J. A. Scott, of Atlanta, Ga., doing business under the name and style of the Kumfort Company, shipped from the State of Georgia into the State of Tennessee a consignment of a product known as "Coke Extract," and labeled "Coke. Bottled by Kumfort Company, Atlanta, Ga. Guaranteed under State and National food laws." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Kumfort Company, and the dealer from whom the sample was purchased, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said J. A. Scott in the District Court of the United States for the Northern District of Georgia charging the above shipment and alleging that the product was misbranded, in that it contained cocain, and did not bear a statement on the label showing the quantity or proportion of cocain contained therein.

On October 15, 1909, said defendant entered a plea of guilty and the court imposed upon him a fine of \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 26, 1910.*

