

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 808, FOOD AND DRUGS ACT.

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### ADULTERATION OF CRACKERS—"CREME WAFLES."

On or about July 26, 1910, there were transmitted from the State of Illinois into the State of Pennsylvania 150 packages of a food product labeled: "Non plus ultra I. J. S. Waffles. Made in Holland. Creme Waffles 2.25 K. Sole Distributors for the U. S. A. DeBoer & Dik, Importers, Chicago, Ill." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain boric acid or its salts, and therefore to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 150 packages, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid or compounds thereof, which rendered such article injurious to health, and praying seizure, condemnation, and forfeiture of the product.

Thereupon said DeBoer & Dik appeared, by H. W. Ackhoff, their attorney, as claimants to the product in question, and filed an answer to the above libel, admitting the averments thereof but denying any intention of violating the laws of the United States, and consenting to the prayer thereof and agreeing to the condemnation of the prod-

uct, whereupon the court, being fully informed in the premises, issued its decree finding the product in question to be adulterated as set forth in said libel, and condemning and forfeiting the same as prayed therein, with the proviso, however, that upon payment of all the costs of these proceedings and the execution and delivery to the libellant by said claimants of a good and sufficient bond in the sum of \$250 conditioned that the said product should not be sold or otherwise disposed of contrary to law, the marshal of said district should re-deliver said product to the above mentioned claimants in lieu of disposing thereof by sale. The costs having been paid and bond furnished in accordance with the terms of the above decree, the said product was forthwith delivered to the above mentioned claimants.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 14, 1911.*

