

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 958, FOOD AND DRUGS ACT.

ADULTERATION OF COFFEE.

On or about September 27, 1910, the Grandy Jobbing Company, Norfolk, Va., shipped from the State of Virginia into the State of New York seven bags and 1,164 mats of green coffee labeled "Dutch East Indies" with various marks and numbers, among which were "P.S.", "P.W.S." and "G.S." Samples were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, from all of the bags and eight of the mats, and the coffee contained in the bags was found to consist of the berry known to the trade as "Black Jacks", while the coffee in the mats contained approximately 10 per cent of "Black Jacks". As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed in the District Court of the United States for the said district against said seven bags and 1,164 mats of green coffee, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance; in that black coffee berries or black jacks had been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality or strength of the said green coffee; in that each of said bags and mats contained an added poisonous and deleterious ingredient which might render such articles injurious to health, to wit, black coffee berries or black jacks, and praying seizure, condemnation, and forfeiture of the product.

Thereupon the Salvage and Storage Company, New York City, appeared as claimant to the above product and filed its answer, denying the allegations of the above libel and alleging that the court was without jurisdiction over the said bags and mats of green coffee, on the ground that they were not being transported from one State, Territory, District, or insular possession to another for sale, but had been transported and did not remain unloaded, unsold, or in original unbroken packages, and praying dismissal of the above libel. Upon motion of the claimant, with the consent of the United States attorney and by order of the court dated October 24, 1910, the said bags and mats of coffee were examined by inspectors of the United States Department of Agriculture for the purpose of determining how many, if any, of the above mats and bags were not adulterated. On October 26, 1910, said inspectors submitted their report to the court, recommending that 803 of the mats be released to the claimants on condition that they be not sold unless marked "Java Skimmings"; that the remaining mats be hand picked and the black beans be destroyed and that the coffee contained in the seven bags be destroyed.

On November 1, 1910, upon motion of the United States attorney, and with the consent of the claimants, the court, being fully informed in the premises, issued its decree ordering that the said 803 mats be released to the claimants upon condition that the same be not sold or otherwise disposed of except as "Java Skimmings" and that the said seven bags of coffee be destroyed by the marshal. The terms of the above decree having been complied with, the case was continued as to the remaining mats of coffee, and on March 21, 1911, pursuant to an agreement between counsel for both parties, whereby it was stipulated that the said remaining mats of coffee should be released to the claimants for the purpose of milling and cleaning the same under the inspection of a representative of the United States Department of Agriculture, and to be finally released to said claimants, when brought up to grade 8 as known on the coffee exchange, the court issued an order directing that the libel be discontinued and canceled without costs.

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., *June 16, 1911.*