

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1239.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF MUSTARD.

During the month of July, 1911, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district, against Joseph P. Wilde, alleging that on April 23, 1910, the said Joseph P. Wilde sold and delivered to William Montgomery & Co. a quantity of mustard, under a general guaranty that said product was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and that on or about May 21, 1910, the said William Montgomery & Co., without changing said product in any particular, shipped the same from the State of Pennsylvania into the State of New Jersey. The product was labeled: "Prima Dusseldorfer style, Wein-Senf. Prepared and especially packed for Joseph P. Wilde, Importer, Philadelphia, Pa. FORMULA: Mustard Seed 24 per cent. Vinegar, Salt and Spices."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Color -----	Turmeric.
	Per cent.
Water -----	79.21
Total solids -----	20.79
Ash -----	3.32
NaCl -----	2.20
Nitrogen -----	0.74
Protein -----	4.62
Protein (fat, salt, and water free) -----	34.85
Acidity as acetic acid -----	2.82

Misbranding was alleged for the reasons that the words 'Prima Dusseldorfer, Wein-Senf,' the name of the product, together with the word "Importer" appearing on the label, convey the impression that the product was a foreign product imported from Dusseldorf, Germany, when in fact it was of domestic manufacture, and the label was therefore false and misleading, and calculated to deceive and mislead the purchaser.

On September 19th, 1911, the case was tried by a jury and resulted in a verdict of not guilty.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1911.*

1239

O