

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1717.

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

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### MISBRANDING OF EVAPORATED MILK.

On November 21, 1911, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,407 cases of canned milk, remaining unsold in the original unbroken packages and in possession of Fischer Bros., Seattle, Wash., alleging that the product had been shipped between June 1 and September 13, 1911, from the State of Oregon into the State of Washington and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Yeloban Brand Sterilized Pure Evaporated Milk—An unsweetened condensed milk—manufactured by Willamette Valley Condensed Milk Co., McMinnville, Ore., We guarantee Yeloban evaporated milk to contain nothing but pure fresh milk thoroughly sterilized and evaporated in the most sanitary and scientific manner. It will keep in any climate. Yeloban Milk is made from the product of the dairies of the famous Willamette and Columbia River Valleys and was formerly sold by us as Buttercup Brand. It is Germless, Nutritious and wholesome and has no equal as a condensed milk owing to our special process. Can be used for any purpose for which fresh cows milk is intended. It is an excellent infants food."

Misbranding was alleged in the libel for the reason that the product bore the label set forth above, whereas, in truth and in fact, the product had not been sufficiently evaporated and was not nutritious and wholesome and contained only 25.01 per cent of solid matter and 7.53 per cent of fat.

On December 15, 1911, G. W. Fischer and F. T. Fischer, a co-partnership, doing business as Fischer Bros., Seattle, Wash., claimants, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of all costs of the proceedings and the execution and delivery of a bond in the sum of \$6,000 by said claimants, in conformity with section 10 of the Act, the product should be released and delivered to them.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., August 7, 1912.