

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1727.

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

MISBRANDING OF KNEIPP MALT COFFEE.

On January 6, 1912, the United States Attorney for the District of Maryland, 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 23 cases of Kneipp Malt Coffee remaining unsold in the original unbroken packages and in possession of Andrew Reiter & Co., Baltimore, Md., alleging that the product had been shipped from the State of Pennsylvania into the State of Maryland, date of shipment not shown, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "2 Doz. Small Berry Kneipp Malt Coffee Cereal Substitute for Coffee 2 Doz. Small Berry Kneipp Malt Coffee Manufactured by Kneipp Malt Food Company, Manitowoc, Wis."

Misbranding was alleged in the libel for the reason that the product, which was merely roasted malt, was an imitation of and offered for sale under the distinctive name of another article, to wit, malt coffee; and misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser in that the product was labeled and branded as being malt coffee, whereas, in truth and in fact, it was not malt coffee, but, on the contrary, merely roasted malt. Misbranding was alleged for the further reason that the packages containing the product bore a statement regarding the substances contained therein which was false and misleading in that the package contained the statement that the substances contained therein was a malt coffee, whereas, in truth and in fact, it was not malt coffee, but on the contrary, merely roasted malt.

On February 15, 1912, the Kneipp Malt Food Co., claimant, having appeared and filed its answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered and it was further ordered that, upon payment of all the costs of the proceedings by said claimant, and the execution of a bond in the sum of \$100 in conformity with section 10 of the Act, the product should be released to said claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., August 9, 1912.

