

amended libel, for the seizure and condemnation of 16 barrels, 6 half barrels, 12 quarter barrels, 2 kegs, and 28 cases, each of said cases containing 12 1-gallon cans of adulterated catsup, and 15 cases, each containing 12 1-gallon cans of adulterated purée, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on or about November 14, 1913, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The catsup was labeled: "Tomato Catsup—Contains 3/10 of 1% Benzoate of Soda." The purée was not labeled.

Adulteration of the product was alleged in the amended libel for the reason that said catsup and said purée consisted in whole or in part of filthy, decomposed, and [or] putrid vegetable substance.

On February 26, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be dealt with or destroyed in conformity with the instructions of the Secretary of Agriculture and usual in such cases.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3363. Adulteration and misbranding of concentrated milk. U. S. v. M. & O. Milk Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5445. I. S. Nos. 186-e, 187-e, 188-e, 189-e, 190-e.)

On February 17, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. & O. Milk Co., a corporation, Waterloo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 30, 1912, from the State of Illinois into the State of Missouri, of a quantity of so-called concentrated milk which was adulterated and misbranded. The product was labeled: (On tops and necks of cans) "M. & O. Milk Co., Waterloo, Ill." (On tags attached to cans) "Full Cream Concentrated Milk. From M. & O. Milk Co. Waterloo, Illinois. For M. & O. Milk Co. 2338 Olive St. St. Louis, Mo. No. Cans. No. Gals. Date Oct. 29, 1912."

Microscopical examination of samples of the product by the Bureau of Chemistry of this department showed the five samples examined to be identical in appearance. In each case the fat globules were very small, usually running about 0.001 mm. in diameter, a few ranging up to 0.005 mm. in diameter. These results indicated that the product had been passed through a homogenizer.

Adulteration of the product was alleged in the information for the reason that other substances, namely, dried skimmed milk, water, and butter oil, had been substituted in part for full-cream concentrated milk. Misbranding was alleged for the reason that the statement "Full Cream Concentrated Milk," borne on said labels attached to the cans in which said article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, the contents of the cans were not full-cream concentrated milk, as represented by said statement, but said cans in fact contained a mixture composed in part of dried skimmed milk, water, and butter oil; and, further, in that said article was labeled and branded so as to mislead and deceive the purchaser thereof into the belief that it was full-cream concentrated milk, whereas, in truth and in fact, said article was not full-cream concentrated milk, but was a mixture in part of dried skimmed milk, water, and butter oil.

On April 8, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*