

4334. Adulteration and misbranding of coffee. U. S. v. 20 Cases of Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5606. I. S. No. 8007-b. S. No. 2130.)

On March 4, 1914, the United States attorney for the Eastern District of Virginia, 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 20 cases, each containing 60 one-pound cartons, of coffee, remaining unsold in the original unbroken packages at Petersburg, Va., alleging that the article had been shipped on or about January 15 and January 28, 1914; and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping containers were branded, in part: "Dixie Coffee—A." The retail packages were labeled: "Dixie Brand Roasted Coffee. Dixie Brand sunshine and good drink go together. Dixie gives the sunshine, we the delicious drink in this brand of coffee. We know how good both are. Try our coffee and you will know, too. Guaranteed under the food and drugs act, June 30th, 1906. Serial No. 2490. Dixie Brand is glazed with sugar and dextrine, according to the following formula: Coffee, 99 $\frac{1}{4}$, sugar, 00 $\frac{1}{2}$, dextrine, 00 $\frac{1}{4}$. Potter and Young Westside Roasting and Milling Co., Office 96 Water Street New York City. Factory, 191-193-195-197 Van Brunt St. 66-68 Sebring Street, Brooklyn, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted of an excessive amount of rotten and decomposed berries, which mixture had been coated or glazed in such manner as to conceal inferiority.

Misbranding was alleged for the reason that the label of the article implied that it was a coffee of superior quality, when, in fact, examination showed it to be a mixture containing an excessive amount of rotten or decomposed berries, coated or glazed in such manner as to conceal inferiority.

On October 4, 1915, 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 destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*