

United States Department of Agriculture
SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12451-12500

[Approved by the Secretary of Agriculture, Washington, D. C., December 16, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12451. Adulteration of Brazil nuts. U. S. v. 5 Barrels of Brazil Nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18252. I. S. No. 6755-v. S. No. C-4233.)

On December 29, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 barrels of Brazil nuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Wood Selick Co., Chicago, Ill., on or about November 15, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1924, the United Bakers' Supply Co., St. Louis, Mo., having appeared as claimant and the matters involved having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12452. Misbranding of butter. U. S. v. Fred L. Hilmer (Fred L. Hilmer Co.). Plea of guilty. Fine, \$202. (F. & D. No. 17695. I. S. Nos. 11257-v, 11266-v.)

On November 10, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred L. Hilmer, trading as Fred L. Hilmer Co., San Francisco, Calif., alleging that the said defendant did deliver for shipment from the State of California into the Territory of Hawaii, in violation of the food and drugs act, on or about March 28 and April 24, 1923, respectively, two consignments of butter which was misbranded. The article was labeled in part: "1 Pound Net Weight Hilmer's Golden Poppy Brand Finest Quality Creamery Butter * * * Fred L. Hilmer Co. Distributors San Francisco, Cal."

Examination by the Bureau of Chemistry of 180 packages from each of the consignments showed that these samples averaged 15.83 ounces and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Pound Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas,

in truth and in fact, each of the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$202.

HOWARD M. GORE, *Secretary of Agriculture.*

12453. Adulteration and misbranding of butter. U. S. v. 40 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18837. I. S. No. 15490-v. S. No. E-4911.)

On June 26, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 14, 1924, alleging that the article had been shipped by the Miller-Rose Co., La Crosse, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration and misbranding, in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1924, the Miller-Rose Co., La Crosse, Wis., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12454. Adulteration of Limonada Gaseosa. U. S. v. 6,000 Bottles of Limonada Gaseosa. Default decree entered for Government. Product ordered destroyed. (F. & D. No. 18565. I. S. No. 3547-v. S. No. E-4804.)

On March 25, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,000 bottles of Limonada Gaseosa, at Culebras, P. R., alleging that the article was being offered for sale and sold in the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Cont. M./M. 285 Mts. Fabrica de sodas Polo Norte Rivero & Co., Tetuan 26 San Juan, P. R. Limonada Gaseosa."

Adulteration of the article was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the said article, and for the further reason that it contained an added poisonous or other deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On June 4, 1924, no claimant having appeared for the property, judgment was entered in favor of the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12455. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18787. I. S. No. 18785-v. S. No. E-3934.)

On June 16, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats remaining in the unbroken packages at Athens, Ga., alleging that the article had been shipped by Thistlewood & Co., Cairo, Ill., on or about June 7, 1924, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Crescent * * * Brand Sample Oats Sulfur Bleached 159¼ Lbs. Net