

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13601-13650

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13601. Misbranding of cabbages. U. S. v. Snyder Packing Co. Plea of guilty. Fine, \$200. (F. & D. No. 18352. I. S. No. 3960-v.)

On October 29, 1924, the United States attorney for the Southern 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 the Snyder Packing Co., a corporation, Calexico, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 9, 1923, from the State of California into the State of Illinois, of a quantity of cabbages in crates which were misbranded. A portion was marked with blue pencil "80," and the remainder was marked with blue pencil "85," and in no other manner.

Examination by the Bureau of Chemistry of this department of 16 of the alleged 80-pound crates showed an average weight of 64.4 pounds; examination of 14 of the alleged 85-pound crates showed an average weight of 67.1 pounds.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "80" and "85," borne on the crates containing the article, were false and misleading, in that the said statements represented that the crates each contained 80 pounds or 85 pounds of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the crates each contained 80 pounds or 85 pounds of the article, as the case might be, whereas the said crates did not contain the respective amounts declared thereon but did contain less amounts. 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 June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13602. Adulteration and misbranding of tankage. U. S. v. Joseph F. Herrmann (Joseph F. Herrmann & Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19651. I. S. No. 8847-v.)

On June 23, 1925, the United States attorney for the Northern 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 Joseph F. Herrmann, trading as Joseph F. Herrmann & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the food and drugs act, on or about May 13, 1924, from the State of Illinois into the State of Indiana, of a quantity of tankage which was adulterated and misbranded. The article

was labeled in part: (Tag) "Joseph F. Herrmann & Company, of Chicago, Ill., Guarantees this Herrmann's Digester Tankage to contain not less than * * * 60.0 per cent of crude protein."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 55.8 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 60 per cent of crude protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of crude protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Joseph F. Herrmann & Company, of Chicago, Ill., Guarantees this Herrmann's Digester Tankage to contain not less than 60.0 per cent of crude protein," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 60 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of crude protein, whereas it did not contain 60 per cent of crude protein but did contain a less amount.

On July 13, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13603. Adulteration of butter. U. S. v. the George Freese's Sons Co. Plea of guilty. Fine, \$25. (F. & D. No. 17920. I. S. No. 1699-v.)

On January 19, 1924, the United States attorney for the Northern District of Ohio, 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 George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company, in violation of the food and drugs act, on or about February 24, 1923, from the State of Ohio into the State of Massachusetts, of a quantity of butter which was adulterated.

Analysis by the Bureau of Chemistry of this department of 8 samples of the article showed an average of 78.70 per cent of fat and 16.79 per cent of moisture.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13604. Adulteration and misbranding of butter. U. S. v. 41 Tubs and 36 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20213, 20214. I. S. Nos. 24748-v, 24749-v. S. Nos. E-5397, E-5399.)

On June 29, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 77 tubs of butter, remaining in the original unbroken packages at New York, N. Y., one libel alleging shipment by McDougall Terminal Wholesale Co., and one libel alleging shipment by the McDougall Terminal Warehouse, from Duluth, Minn., on or about June 17, 1925, the article having been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 11 and 14, 1925, respectively, the Minnesota-Cooperative Dairies Assoc. and the Farmers Cooperative Creamery having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings.