

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

15101-15150

[Approved by the Secretary of Agriculture, Washington, D. C., November 18, 1927]

5101. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15403. I. S. No. 9097-t. S. No. E-3588.)

On September 28, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar, at Asheville, N. C., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., August 5, 1921, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples * * * Rochester."

It was alleged in substance in the libel that the article was adulterated, in that vinegar made from dried apple products had been mixed and packed therein so as to reduce, lower, or injuriously affect its quality, and had been substituted wholly or in part for apple cider vinegar.

Misbranding was alleged for the reason that the statement "Apple Cider Vinegar Made from Selected Apples" was false and misleading when applied to a product made from dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 13, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

5102. Adulteration of oranges. U. S. v. 132 Boxes and 88 Boxes of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21903, 21942. I. S. Nos. 14569-x, 16702-x. S. Nos. E-6074, E-6079.)

On April 15 and 23, 1927, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 220 boxes of oranges, remaining in the original unbroken packages, in part at Boston, Mass., and in part at Springfield, Mass., consigned about March 30, 1927, alleging that the article had been shipped by the Standard Growers Exchange, Lucerne Park, Fla., and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On April 28, 1927, the cases having been consolidated into one cause of action and Bondi Bros., Springfield, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it not be sold or otherwise disposed of contrary to law, and it was further ordered that the said product be salvaged under the supervision of this department, by separating the adulterated portion from the good portion and destroying the former.

W. M. JARDINE, *Secretary of Agriculture.*

15103. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21904. I. S. No. 3540-x. S. No. E-6021.)

On April 20, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned, by the Marine Creamery Co., Marine, Minn., alleging that the article had been shipped from Marine, Minn., on or about April 9, 1927, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

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

On May 20, 1927, James Lindberg, trading as the Marine Creamery Co., Marine, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15104. Adulteration of grapefruit. U. S. v. 370 Boxes of Grapefruit. Default decree of destruction entered. (F. & D. No. 21917. I. S. No. 10722-x. S. No. W-2145.)

On April 26, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 370 boxes of grapefruit, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Lake Ariana Packing Co., Auburndale, Fla., on or about April 11, 1927, and transported from the State of Florida into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oranges, Grapefruit Tangerines Grown by The Vergon Son & Co., Inc. * * * Winter Haven, Polk County, Florida." A portion of the product was further labeled: "Dela-Haven Brand."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On May 26, 1927, no claimant having appeared for the property, a decree was entered finding the product adulterated, and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15105. Adulteration of grapefruit. U. S. v. 300 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21820. I. S. No. 16408-x. S. No. E-6083.)

On March 26, 1927, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 boxes of grapefruit, remaining in the original unbroken packages