

## 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]

15901-15950

[Approved by the Secretary of Agriculture, Washington, D. C., May 8, 1929]

**15901. Adulteration and misbranding of butter. U. S. v. 11 Boxes of Butter. Decree of condemnation entered.** (F. & D. No. 22058. I. S. No. 17210-x. S. No. 97.)

On August 29, 1927, 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 a libel praying seizure and condemnation of 11 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Mutual Creamery Co., Grand Junction, Colo., alleging that the article had been shipped in interstate commerce on or about August 20, 1927, from Grand Junction, Colo., into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Nucla Creamery Co. Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading, since the article contained less than 80 per cent of milk fat, and in that the statement "Butter" deceived and misled the purchaser. 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 November 9, 1927, the court having found that the product was adulterated and misbranded, judgment of condemnation was entered, and it was ordered by the court that the product be disposed of by the United States marshal in accordance with the provisions of the Federal food and drugs act as amended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15902. Adulteration and misbranding of blackberry jelly. U. S. v. 7½ Dozen Jars of Blackberry Jelly. Default decree of destruction entered.** (F. & D. No. 22041. I. S. No. 13393-x. S. No. 85.)

On September 3, 1927, the United States attorney for the Northern District of West Virginia, 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 7½ dozen jars of blackberry jelly, remaining in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped by the Lutz & Schramm Co., Pittsburgh, Pa., on or about May 20, 1927, and had been transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Blackberry Jelly L & S. Lutz & Schramm Co. Pittsburgh, Pa., U. S. A."

It was alleged in the libel that the article was adulterated in that pectin and acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that an imitation fruit jelly composed of pectin, fruit juices, sugar, and added acid had been substituted for the said article, namely, pure blackberry jelly.

Misbranding was alleged in substance for the reason that the statement on the said labels, "Pure Blackberry Jelly," was false and misleading, in that the said jars were labeled so as to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 16, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15903. Adulteration of canned cherries. U. S. v. 32 Cans of Canned Cherries. Default decree of destruction entered. (F. & D. No. 22278. I. S. No. 21237-x. S. No. 319.)**

On or about December 15, 1927, the United States attorney for the Northern District of West Virginia, 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 32 cans of cherries, remaining unsold in the original packages at Morgantown, W. Va., alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N. Y., on or about August 25, 1927, and had been transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York State Products, Packed by Webster Canning and Preserving Company, Webster, N. Y. \* \* \* Pitted Red Cherries."

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

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15904. Adulteration of oysters. U. S. v. James B. Robinson (J. B. Robinson & Co.). Plea of nolo contendere. Fine, \$20. (F. & D. No. 22518. I. S. No. 14938-x.)**

On November 7, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Robinson, a member of a copartnership trading as J. B. Robinson & Co., Seaford, Del., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 15, 1926, from the State of Delaware into the State of New York, of a quantity of oysters which were adulterated. The article was labeled in part: (Barrel) "From J. B. Robinson & Co., \* \* \* Seaford, Delaware."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and in that water had been substituted for oysters, which the said article purported to be.

On June 15, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15905. Misbranding of butter. U. S. v. 7 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22848. I. S. No. 20315-x. S. No. 858.)**

On or about June 4, 1928, the United States attorney for the District of Delaware, 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 7 boxes of butter, remaining unsold at Dover, Del., alleging that the article had been shipped by the Orange Creamery Co., from Orange, Va., May 31, 1928, and had been transported from the State of Virginia into the State of Delaware and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monticello Dairy Butter made from selected and pasteurized cream, Charlottesville Virginia, One Pound, Monticello Dairy Butter."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound," was false and misleading and deceived and misled the purchaser.