

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]

16301-16325

[Approved by the Secretary of Agriculture, Washington, D. C., October 2, 1929]

16301. Adulteration of canned cherries. U. S. v. 175 Cases of Canned Cherries. Product adjudged adulterated and ordered released under bond. (F. & D. No. 23051. I. S. No. 01658. S. No. 1136.)

On September 5, 1928, 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 a libel praying seizure and condemnation of 175 cases of canned cherries, alleging that the article had been shipped by the Fredonia Salsina Canning Co., Fredonia, N. Y., on or about July 3, 1928, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Skylark Brand Red Sour Pitted Cherries * * * Fredonia Salsina Canning Company, Inc., Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it contained a filthy, wormy, vegetable substance mixed and packed with the said article, contrary to and in violation of section 7, paragraph 6, under food of said act.

On December 18, 1928, the Fredonia Salsina Canning Co. (Inc.), Fredonia, N. Y., having appeared as claimant for the property and having admitted the allegations in the libel, a decree was entered adjudging the product adulterated as alleged in the libel and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,750, conditioned in part that the claimant pay costs and make no further disposition of the said cherries to any person or corporation, or, if intending to dispose of them, that the claimant have the wormy and adulterated cherries separated from those which did not violate the law, and to have those cherries which did violate the law reconditioned at its factory at Fredonia, N. Y., both the separation and reconditioning to be under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16302. Misbranding of butter. U. S. v. 2 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23617. I. S. No. 07715. S. No. 1686.)

On February 19, 1929, 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 2 cases of butter at Chehalis, Wash., alleging that the article had been shipped by Swift & Co., Portland, Oreg., and transported from the State of Oregon into the State of Washington, arriving at Chehalis on or about February 12, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Thrift Quality Butter Best Creamery * * * Oregon Creamery No. 138 One Pound."

It was alleged in the libel that the article was misbranded in that it was labeled in part, "One Pound," which was false and misleading, since the packages of butter contained less than that quantity. 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, since the quantity stated on the package was not correct.

On February 25, 1929, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 costs and the execution of a bond in the sum of \$125, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16303. Adulteration and misbranding of salad oil. U. S. v. 53 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22500. I. S. No. 21467-x. S. No. 618.)

On or about March 6, 1928, the United States attorney for the District of Connecticut, 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 53 cans of salad oil, remaining in the original unbroken packages at New Britain, Conn., alleging that the article had been shipped by A. Gash & Co., New York, N. Y., in part about April 5, 1927, and in part about May 21, 1927, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the label bore the statements, "Marca Messina * * * Net Contents 98% of a Gallon or 7½ Lb. Net. Messina Brand Oil is a high grade golden corn oil made from the kernel of American corn * * * Guaranteed to be pure," and a design of a female figure holding ear of corn arranged to display combination of Italian colors, which were false and misleading and deceived and misled the purchaser; 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; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 14, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16304. Adulteration of dates. U. S. v. 12 Cases, et al., of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23213. I. S. Nos. 0336, 0337. S. No. 1319.)

On November 28, 1928, 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 39 cases of dates, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the W. H. Marvin Co., from Urbana, Ohio, and transported from the State of Ohio into the State of Washington, arriving at Seattle on or about May 27, 1928, and June 22, 1928, respectively, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Cans) "Marvin Brand Dates * * * Packed by The W. H. Marvin Co. Urbana, Ohio." The remainder of the said article was labeled in part: (Cans) "Servus Brand Fancy Halloween Dates."

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 January 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*