

## United States Department of Agriculture

### FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

17276-17300

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

**17276. Misbranding of scallops. U. S. v. 14 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24847. I. S. No. 027307. S. No. 2904.)**

On February 21, 1930, 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 seizure and condemnation of 14 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the D. & H. Transportation Co., New York, N. Y., on or about February 19, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act.

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

On March 12, 1930, 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.*

**17277. Adulteration of shell eggs. U. S. v. 7 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24802. I. S. No. 015775. S. No. 3054.)**

On March 31, 1930, 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 7 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Bristol Chick Hatchery, Bristol, Va., alleging that the article had been shipped from Bristol, Va., on or about March 27, 1930, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

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

On April 7, 1930, 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.*

**17278. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24817. I. S. No. 027579. S. No. 2927.)**

On February 25, 1930, the United States attorney for the Southern District of New York, 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 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Gallagher

Bros. (Inc.), Chicago, Ill., on or about August 16, 1929, and transported from the State of Illinois into the State of New York, 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 deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly 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 March 18, 1930, Droste & Snyder (Inc.), 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 \$750, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17279. Adulteration of grapefruit. U. S. v. 348 Boxes, et al., of Grapefruit. Default decrees of condemnation, forfeiture, and sale or destruction.** (F. & D. Nos. 24684, 24685. I. S. Nos. 022595, 022596, S. Nos. 2901, 2902.)

On February 20, 1930, the United States attorney for the District of Colorado, 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 738 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by White & Lawler (Inc.), La Feria, Tex., alleging that the article had been shipped from La Feria, Tex., in part on or about February 10, 1930, and in part on or about February 12, 1930, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance. Adulteration was alleged for the further reason that the article consisted in whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, juice, had been wholly or in part abstracted.

On April 28, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal, under the supervision of this department, sell such portion of the fruit as was fit for sale and destroy the remainder.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17280. Adulteration and misbranding of butter. U. S. v. 4 Boxes, et al., of Butter. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions.** (F. & D. Nos. 24821, 24822, 24845. I. S. Nos. 027663, 027765, 028001. S. Nos. 3050, 3064, 3081.)

On March 31, April 7, and April 15, 1930, respectively, 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 seizure and condemnation of 8 boxes and 5 cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze & Co., St. Louis, Mo., in various consignments, on or about March 17, March 24, and April 2, 1930, respectively, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding with respect to a portion thereof, and misbranding with respect to the remainder in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Blue Ribbon Creamery Butter \* \* \* David W. Lewis & Company New York \* \* \* One Pound Net."

Adulteration was alleged in the libel filed with respect to 5 cases of the product for the reason that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to the product in the said 5 cases for the reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remaining 8 boxes of the