

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]

17401-17425

[Approved by the Secretary of Agriculture, Washington, D. C., February 19, 1931]

17401. Adulteration and misbranding of evaporated apples. U. S. v. 40 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24191. I. S. No. 020438. S. No. 2437.)

On November 1, 1929, the United States attorney for the Western District of Texas, 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 40 boxes of evaporated apples, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by A. S. Teasdale, Rogers, Ark., on or about September 26, 1929, and transported from the State of Arkansas into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "New Crop Evaporated Apples Monte Ne Brand Sulphur Bleached."

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

Misbranding was alleged for the reason that the statement on the label, "Evaporated Apples," was false and misleading and deceived and misled the purchaser.

On December 24, 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.*

17402. Misbranding of canned cherries. U. S. v. 482 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24253. I. S. No. 024636. S. No. 2495.)

On November 13, 1929, the United States attorney for the Eastern District of Missouri, 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 482 cases of canned cherries, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by F. B. Huxley & Sons, Ontario, N. Y., on or about August 18, 1929, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Red Robe Brand Pitted Red Cherries Contents 1 Lb. 5 Oz. Haas-Lieber Grocery Co. Distributors, St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the container, since the statement made was not correct.

On November 18, 1929, the Haas-Lieber Grocery Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation 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 \$3,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17403. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24627. I. S. No. 041304. S. No. 2850.)

On February 11, 1930, the United States attorney for the Western District of Missouri, 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 360 boxes of grapefruit, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by L. E. Snavelly, from Harlingen, Tex., on or about February 4, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "La Bonita Brand Blue Ribbon * * * Citrus Fruits * * * Packed by L. E. Snavelly, Harlingen, Texas."

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 March 1, 1930, the American Fruit Growers (Inc.), claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged and the decomposed and dry grapefruit destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17404. Misbranding of cottonseed cake screenings. U. S. v. 380 Sacks of Cottonseed Cake Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24568. I. S. No. 037802. S. No. 2877.)

On February 22, 1930, the United States attorney for the Western District of Missouri, 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 380 sacks of cottonseed cake screenings, remaining in the original unbroken packages at Humphreys, Mo., alleging that the article had been shipped by the Graco Milling Co., from Cairo, Ill., on or about February 10, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Graco 43% Brand 43% Protein Prime Cottonseed Cake or Meal Guaranteed Analysis Protein Not Less Than 43%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein Not Less Than 43%," was false and misleading and deceived and misled the purchaser.

On March 1, 1930, the Graco Milling Co., Sherman, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of judgment for the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17405. Misbranding of oleomargarine. U. S. v. 5 Cartons, et al., of Oleomargarine. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 24697. I. S. Nos. 023631, 023632. S. No. 3035.)

On April 5, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district libels praying seizure and condemnation of 55 cartons of oleomargarine, remaining in the original unbroken packages at Denver, Colo., consigned by Morris & Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about March