

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]

17501-17525

[Approved by the Secretary of Agriculture, Washington, D. C., March 18, 1931]

17501. Adulteration and misbranding of Jersey gray shorts and screenings. U. S. v. 400 Sacks of Jersey Gray Shorts and Screenings. Consent decree of condemnation. Product released under bond. (F. & D. No. 24897. I. S. No. 09624. S. No. 3137.)

Samples of gray shorts and screenings from the herein-described interstate shipment having been found to contain bran, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about April 10, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of Jersey gray shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Rodney Milling Co., Kansas City, Mo., on or about April 5, 1930, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Jersey Gray Shorts and screenings * * * Mfg'd by Rodney Milling Co., Kansas City, Mo. * * * Ingredients: Wheat Gray Shorts and not over 3% Wheat Screenings."

It was alleged in substance in the libel that the article was adulterated in that bran had been mixed and packed with and substituted in part for the said article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the name "Jersey Gray Shorts" was false and misleading and deceived and misled the purchaser when applied to an article containing bran.

On April 22, 1930, the Rodney Milling Co., Kansas City, Mo., entered an appearance as claimant for the property, consented to the entry of judgment, and agreed to recondition and relabel the said product. On April 24, 1930, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, and that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17502. Adulteration of butter. U. S. v. 26 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23863. I. S. No. 03449. S. No. 2031.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On June 11, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from the Exchange Creamery, Charles Town, W. Va., and had been transported from the State of West Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance low in milk fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

On June 14, 1929, the Exchange Creamery, Charles Town, W. Va., 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, to be reconditioned so that it contain at least 80 per cent milk fat, upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it should not be sold or disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17503. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24893. I. S. No. 036836. S. No. 3131.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On April 28, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped by the Sunlight Produce Co., a branch of the Cudahy Packing Co., from Superior, Wis., on April 23, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Parchment wrapper) "Sunlight Creamery Butter, The Cudahy Packing Co. Distributors, General Offices Chicago, U. S. A."

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 its 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 May 7, 1930, the Sunlight Produce Co., Superior, Wis., 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 the payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be reworked so that it comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17504. Adulteration of ground oat groats. U. S. v. 40 Bags of Ground Oat Groats. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 23857. I. S. No. 012995. S. No. 1937.)

Samples of feed labeled as ground oat groats from the herein-described interstate shipment having been found to contain foreign matter, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about April 9, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 bags of ground oat groats, remaining in the original unbroken packages at Leavenworth, Kans., alleging that the article had been shipped by the Grain Belt Mills Co., St. Joseph, Mo., on or about April 5, 1929, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act.

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

On June 15, 1929, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*