

# 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]

17576-17600

[Approved by the Secretary of Agriculture, Washington, D. C., March 23, 1931]

**17576. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 24955. I. S. No. 037670. S. No. 3253.)**

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 1, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Armour Creameries (Inc.), Meridian, Miss., on or about June 12, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Supreme Morris & Co. Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 15, 1930, Armour & Co. (Ltd.), New Orleans, La., 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 \$200, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17577. Adulteration and misbranding of butter. U. S. v. 44 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24953. I. S. No. 037678. S. No. 3281.)**

Samples of butter from the herein described interstate shipment having been found to be deficient in milk fat and short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On or about July 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 cases each containing 32 pounds of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Fort Worth Poultry & Egg Co., Fort Worth, Tex., on or about June 17, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of

the food and drugs act as amended. The article was labeled in part: (Carton) "Goldendale Creamery Butter 1 lb. Net Weight Armour and Company \* \* \* Distributors."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter which the said article purported to be. Adulteration was alleged for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser; and 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 July 17, 1930, Armour & Co. (Ltd.), New Orleans, La., having appeared as claimant for the property and having filed an answer confessing judgment, decree 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 \$800, conditioned in part that it be reconditioned and properly branded, so that it comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17578. Misbranding of tomatoes. U. S. v. 25 Lugs, et al., of Fresh Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24917, 24918. I. S. Nos. 2913, 5441. S. Nos. 3262, 3264.)**

Certain lugs and cases of fresh tomatoes from the herein described interstate shipments having been examined and found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about July 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 25 lugs and 50 cases of fresh tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. H. Oliver, in part from Friendship, Tenn., and in part from Milan, Tenn., on or about July 4 and July 7, 1930, respectively, and had been transported from the State of Tennessee into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Tennessee Tomatoes \* \* \* This Package contained four 3-qt. baskets dry measure when packed;" (overprinted by rubber stamp) "This package contains not less than 30 pounds when packed, Grown and packed by Sitka Fruit Growers Association, Sitka, Tennessee. Distributed by Ozark Fruit Growers Association, Market Agent, Humboldt, Tennessee." The remainder of the said article was labeled in part: "This Package Contained Not Less Than 30 Lbs. Net When Packed. \* \* \* Grown for and packed by J. H. Oliver, Milan, Tennessee. Distributed by Wilson M. Stroud \* \* \* Humboldt, Tennessee."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "This package contains not less than 30 lbs." and "This package contains not less than 30 Pounds Net," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On July 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 product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17579. Adulteration and misbranding of Ole Port. U. S. v. 50 Cartons of Old Port (Ole Port). Default decree of forfeiture and destruction. (F. & D. No. 22042. I. S. No. 17243-x. S. No. 86.)**

An examination of samples of a product labeled as Ole Port, having shown that it consisted of an imitation grape product artificially colored and flavored,