

# 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]

18101-18175

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

**18101. Misbranding of corn flour, cream meal, and wheat flour. U. S. v 300 Sacks of Corn Flour, et al. Decrees of condemnation entered. Products released under bond. (F. & D. Nos. 26165, 26166, 26167, 26168. I. S. Nos. 15151, 15152, 15156, 15157. S. Nos. 4476, 4487, 4488, 4489.)**

Sample sacks of corn flour, cream meal, and wheat flour from the shipments herein described having been found to contain less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 300 sacks of corn flour, 320 sacks of cream meal, and 310 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the Scott County Milling Co., Sikeston, Mo., on or about March 17, 1931, and had been transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The corn flour was labeled in part: (Sack) "The Scott County Milling Company The B. M. M. Co. Corn Flour Sikeston, Oran and Dexter, Mo. 98 Lbs. Corn Flour Net Weight When Packed." The wheat flour was labeled in part: (Sack) "Dexter Milling Co. Highest Winter Superior Patent Wheat Patent Dexter Mo. \* \* \* 6 Lbs. Net Weight When Sacked." A portion of the cream meal was labeled in part: (Sack) "Every Sack Guaranteed By Scott County Milling Co. The B. M. M. Company Cream Meal Sikeston Oran, Dexter, Missouri. 24 Lbs. Cream Meal Net Weight When Packed." The remainder of the said cream meal was labeled in part: (Sack) "Every Sack Guaranteed 6 Lbs. Net Weight When Packed."

It was alleged in the libels that the articles were misbranded in that the statements regarding the weight of the product, namely, "6 Lbs. Net Weight," "24 Lbs. \* \* \* Net Weight," and "98 Lbs. \* \* \* Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made on the packages were not correct.

On April 7, 1931, the Scott County Milling Co., Sikeston, Mo., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,391.50, conditioned in part that they be bulked, repacked, weighed, and relabeled with their correct weights, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18102. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 25221. I. S. No. 7238. S. No. 3507.)**

Arsenic trioxide having been found on the apples in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On October 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original packages at Laredo, Tex., alleging that the article had been shipped by the Wenatchee Produce Co., from Wenatchee, Wash., on or about September 20, 1930, and had been transported from the State of Washington into the State of Texas, 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 contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which ingredients might have rendered it injurious to health.

On or about January 15, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

**18103. Adulteration of corn flour and sausage binder flour. U. S. v. 11 Barrels of Corn Flour and 41 Barrels of Sausage Binder Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25232. I. S. No. 17805. S. No. 3517.)**

Samples of corn flour and sausage binder flour from the shipment herein described having been found to contain live worms or beetles, or both, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Alabama.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on November 1, 1930, an amendment to the said libel, praying seizure and condemnation of 11 barrels of corn flour and 41 barrels of sausage binder flour, remaining in the original unbroken packages at Birmingham, Ala., alleging that the articles had been shipped by the Griffith Laboratories, Chicago, Ill., from Omaha, Nebr., on or about April 1, 1930, and had been transported from the State of Nebraska into the State of Alabama, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, "Griffith Process Sausage Flour Griffith Laboratories Chicago," and "Griffith Sausage Special Binder Flour," respectively.

It was alleged in the libel that the articles were adulterated in that they consisted in part of filthy vegetable substances, since an examination showed the presence of live worms and beetles.

On January 20, 1931, 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.*

**18104. Misbranding of olive oil. U. S. v. 24 One-Fourth Gallon Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 25462. I. S. Nos. 9955, 9956. S. No. 3710.)**

Samples of olive oil from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On December 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 one-fourth gallon cans and 28 half-gallon cans of olive oil, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by Mallars & Co., Chicago, Ill., August 14, 1930, and had been transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil ¼ Gallon [or "½ Gallon"] Mallars & Company Chicago."

It was alleged in the libel that the article was misbranded in that the statements, "One-Fourth Gallon" and "One-Half Gallon," borne on the label, 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 quantity stated was incorrect.

On April 9, 1931, 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 sold by the United States marshal. It was further ordered by the court that the sale be conditioned upon the disposal of the product