

# United States Department of Agriculture

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

### FOOD AND DRUG ADMINISTRATION

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

19676-19850

[Approved by the Secretary of Agriculture, Washington, D. C., March 25, 1933]

**19676. Adulteration of bluefins. U. S. v. 2 Boxes of Bluefins. Decree of destruction entered.** (F. & D. No. 27810. I. S. No. 53502. S. No. 5915.)

Fish taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of bluefins at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 29, 1932, by Sam Johnson & Son's Fisheries, from Duluth, Minn., to Cincinnati, Ohio, 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 part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of a portion of an animal unfit for food.

On March 7, 1932, the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19677. Misbranding of butter. U. S. v. 90 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be repacked.** (F. & D. Nos. 27914, 27915. I. S. Nos. 32770, 32771. S. Nos. 5953, 5957.)

This action involved the shipment of a quantity of butter, sample packages of which were found to contain less than 1 pound, the labeled weight.

On March 15, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cases of the said butter at Honolulu, Hawaii, consigned by Swift & Co., alleging that the article had been shipped from San Francisco, Calif., to Honolulu, Territory of Hawaii, on March 9, 1932, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Prints) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter 1 lb. Net Weight Distributed by Swift & Co., General Offices Chicago."

It was alleged in the libel that the article was misbranded in that the weight declared on the label of the containers was in excess of the actual weight of the butter contained therein, which label was false and misleading and deceived and misled the purchaser, since it represented that the contents of the package were of a certain weight, whereas they were less than so represented.

On March 18, 1932, Swift & Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. On March 19, 1932, an order was entered by the court providing that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,400, conditioned that it be reshipped to San Francisco, Calif., to be repacked, and that it should not be sold in violation of the Federal food and drugs act, or the laws of the Territory of Hawaii.

HENRY A. WALLACE, *Secretary of Agriculture.*