

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]

20176-20350

[Approved by the Acting Secretary of Agriculture, Washington, D.C., October 18, 1933]

20176. Adulteration of butter. U.S. v. 43 Cubes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29073, 29074. Sample nos. 14501-A, 14504-A, 25102-A.)

These actions involved the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 7 and September 20, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 63 cubes of butter, remaining in the original unbroken packages in part at Oakland, Calif., and in part at San Francisco, Calif., consigned by the Wilcox Produce, Inc., Portland, Oreg. It was alleged in the libels that the article had been shipped in interstate commerce from Portland, Oreg., the former lot on or about August 25, 1932, and the latter on or about September 10, 1932, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 17 and September 29, 1932, the Wilcox Produce, Inc., Portland, Oreg., 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 execution of bonds totaling \$1,150, conditioned that it be made to conform to the provisions of the Federal Food and Drugs Act, under the supervision of this Department. It was further ordered that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20177. Adulteration of canned asparagus; and misbranding of canned hominy, canned corn, canned pumpkin, canned asparagus, and canned green beans. U.S. v. 12 Cases of Canned Hominy, et al. Decrees of condemnation entered. Four cases of canned asparagus destroyed. Remaining product released under bond to be relabeled. (F. & D. nos. 28510, 28511, 28512, 28532, 28586, 28740, 28863. Sample nos. 2226-A, 2234-A, 2387-A, 2388-A, 2398-A, 2399-A, 2400-A.)

These actions involved various shipments of canned vegetables which were found to be short weight. One shipment, consisting of four cases of canned asparagus, was also found to be partially decomposed.

On July 26, July 27, August 4, August 5, August 19, and September 10, 1932, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 cases of canned hominy, 25 cases of canned corn, and 13 cases of canned asparagus at Las Vegas, N.Mex., 4 cases of canned asparagus and 11 cases of canned pumpkin at Albuquerque, N.Mex., 36 cases of canned hominy at Roswell, N.Mex., and 13 cases of canned green beans at Carlsbad, N.Mex. It was alleged in the libels that the articles had been shipped in interstate commerce in various consignments between November 25, 1931 and June 9, 1932, by the