

Tomato Paste case 340

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]

20601-20725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 20, 1934]

20601. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Product ordered released under bond. (F. & D. no. 29154. Sample no. 14605-A.)

This action involved the interstate shipment of a quantity 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 October 7, 1932, the United States attorney for the Southern District of California, 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 15 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Western Creamery Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about October 3, 1932, from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "From Western Creamery Company, Salt Lake City, Utah, to South Gate Public Market, Los Angeles, Calif."; (prints) "Meadow Brook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement, "Butter" on the label, was false and misleading, since the article contained less than 80 percent of milk fat.

On November 12, 1932, the Western Creamery Co., Salt Lake City, Utah, filed an answer admitting the allegations of the libel and praying release of the product to be reworked or sold to the baking or other manufacturing trade. On the same date the claimant having filed a good and sufficient bond conditioned that the butter would not be disposed of contrary to the Federal Food and Drugs Act, judgment was entered ordering the product released. On November 30, 1932, the terms of the bond having been complied with, an order was entered making the release permanent, and ordering that the bond be exonerated and that claimant pay costs of the proceedings.

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

20602. Adulteration of apples. U. S. v. 840 Boxes of Apples. Product released under bond. (F. & D. no. 29615. Sample no. 24350-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On November 22, 1932, the United States attorney for the Southern District of California, 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 840 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been

shipped in interstate commerce on or about November 12, 1932, by Pacific Fruit & Produce Co., from Yakima, Wash., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box label) "Orchard Run Rome Beauty Packed & shipped Pacific Fruit & Produce Co., Yakima, Wn."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On November 22, 1932, the International Fruit Distributors, Los Angeles, Calif., having filed a claim and answer admitting the allegations of the libel and having filed a cash bond in the sum of \$600, conditioned that the product would not be disposed of in violation of the Federal Food and Drugs Act, judgment was entered ordering that the apples be released to the claimant. On November 29, 1932, the product having been brought into compliance with the law, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

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

20603. Adulteration of butter. U. S. v. Stewartville Cooperative Creamery Association. Plea of guilty. Fine, \$40. (F. & D. no. 28121. I.S. no. 28766.)

This case was based on an interstate shipment 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 January 24, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Stewartville Cooperative Creamery Association, a corporation, Stewartville, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 16, 1931, from the State of Minnesota into the State of Illinois, of a quantity of butter that was adulterated. The article was labeled in part: (Carton) "Ayrshire Brand * * * Creamery Butter sold by H. C. Christians Co., Johnson Creek, Wis."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On January 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

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

20604. Adulteration of apples. U. S. v. 166 Boxes of Apples. Product released under bond. (F. & D. no. 29729. Sample no. 18039-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On November 21, 1932, the United States attorney for the District of Montana, 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 166 boxes of apples at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about November 5, 1932, by Quick & Harris Co., from Yakima, Wash., to Great Falls, Mont., 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 or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 16, 1932, Devine & Asselstine, Inc., Great Falls, Mont., claimant, having admitted the allegations of the libel, judgment was entered by the court ordering delivery of the property to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the product should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession.

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