

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]

21001-21175

[Approved by the Acting Secretary of Agriculture, Washington, D.C., July 12, 1934]

21001. Misbranding of strawberry extract. U. S. v. Hollywood Products Co., Ltd. (Sierra Club Beverage Co., Inc.). Plea of guilty. Fine, \$75. (F. & D. no. 29460. I. S. no. 21391.)

This case was based on an interstate shipment of strawberry extract which was artificially colored and consisted in part of added artificial flavor.

On March 16, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hollywood Products Co., Ltd., a corporation, trading as Sierra Club Beverage Co., Inc., at Glendale, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 21, 1931, from the State of California into the State of Arizona, of a quantity of strawberry extract which was misbranded. The article was labeled in part: "Sierra Club * * * Quality * * * True Strawberry Extract * * * Manufactured and Guaranteed by Sierra Club Beverage Co., Glendale, California."

It was alleged in the information that the article was misbranded in that the statement, "True Strawberry Extract" on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of true strawberry extract; whereas it consisted in part of undeclared artificial flavor and color. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, Acting Secretary of Agriculture.

21002. Adulteration of evaporated apple chops. U. S. v. 478 Bags of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 29769. Sample no. 32750-A.)

This action involved an interstate shipment of evaporated apple chops that were insect-infested and dirty and contained rodent excreta.

On January 21, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 478 bags of apple chops at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about December 17, 1932, by the Battletown Fruit Co., from Staunton, Va., 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 wholly or in part of a filthy vegetable substance.

On April 10, 1933, 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.

M. L. WILSON, Acting Secretary of Agriculture.