

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]

21251-21500

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 7, 1934]

21251. Misbranding of canned orange juice. U. S. v. 75 Cases of Canned Orange Juice. Cosent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30593. Sample no. 32013-A.)

This case involved an interstate shipment of canned orange juice, sample cans of which were found to contain less than the declared volume.

On June 14, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned orange juice at New York, N.Y., alleging that the article had been shipped in interstate commerce in part on or about April 8, 1933, from Wiley, Fla., and in part on or about April 14, 1933, from Jacksonville, Fla., by the Tropical Juice Corporation, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Giraffe Vacuum Packed Natural Orange Juice * * * Florida 1 Qt. 1 Pt. 7 Fl. Oz. (55 Liquid Oz.) Packed by Tropical Juice Corp. Titusville, Florida."

It was alleged in the libel that the article was misbranded in that the statement, "1 Qt. 1 Pt. 7 Fl. Oz. (55 liquid Oz.)", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 18, 1933, the Tropical Juice Corporation, Titusville, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article be relabeled by obliterating the original statement of weight and plainly and conspicuously marking the cans "1 Qt. 1 Pt. 2 Fl. Oz."

M. L. WILSON, *Acting Secretary of Agriculture.*

21252. Adulteration and misbranding of butter. U. S. v. 3 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 30671. Sample no. 20325-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 1, 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 a libel praying seizure and condemnation of three cartons, each containing 60 pounds of butter at Los Angeles, Calif., alleging that the article