

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

had been shipped in interstate commerce on or about May 27, 1933, by the Brooklawn Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Individual print) "Little Lake Creamery Brand Butter."

It was alleged in the libel 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 should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

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

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product, although deficient in butterfat and in violation of the law, was wholesome and fit for human consumption, ordered that it be delivered to a charitable organization.

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

21253. Misbranding of Sea Moss Farine. U. S. v. 7 Boxes of Sea Moss Farine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30590. Sample no. 34514-A.)

This case involved a product known as "Sea Moss Farine", which contained undeclared sulphur dioxide. The statement of the quantity of the contents of the packages appeared inconspicuously on the label; it possessed no tonic properties as claimed; and it was also labeled to convey the impression that blanc mange, puddings, and custards could be made from the article, whereas it was only one of several ingredients of such foods.

On June 13, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven boxes of Sea Moss Farine at Lynn, Mass., alleging that the article had been shipped in interstate commerce on or about January 13, 1933, by the Lyon Manufacturing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sea Moss Farine * * * For Puddings, Custards * * * This Packet will yield sixteen quarts of blanc mange * * * It combines the 'Fragrance of the Sea Breeze' with its Tonic Properties * * * 4 Oz. Net Av. Wt. * * * Lyon Mfg. Co. * * * Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that it contained sulphur dioxide and the presence of this added abnormal ingredient was not declared on the label. Misbranding was alleged for the further reason that the statements, "Will yield * * * blanc Mange for Puddings, Custards &c" and "Tonic properties", were false and misleading and deceived and misled the purchaser. Misbranding was alleged 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.

On July 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture 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.*

21254. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30704. Sample no. 40625-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by Peter Nottleman, from Oshkosh, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted