

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]

24551-24625

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 24, 1935]

24551. Misbranding of butter. U. S. v. Frederick F. Lowenfels, Albert Lowenfels, and Corinne B. Lowenfels (Frederick F. Lowenfels & Son). Pleas of guilty. Fine, \$50. (F. & D. no. 29455. Sample no. 10507-A.)

This case involved shipments of butter which was short weight.

On March 5, 1935, 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 an information against Frederick F. Lowenfels, Albert Lowenfels, and Corinne B. Lowenfels, a partnership trading as Frederick F. Lowenfels & Son, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 22 and April 26, 1932, from the State of New York into the State of New Jersey, of quantities of butter that was misbranded. The article was labeled in part: "1 Lb. Net Weight."

The article was alleged to be misbranded in that the statement, "1 Lb. Net Weight", borne on the package label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages examined contained less than 1 pound net weight. 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, since the statement made was incorrect.

On April 8, 1935, the defendants entered pleas of guilty and the court imposed a fine of \$50 against Albert Lowenfels and ordered that fines be suspended as to the other defendants.

W. R. GREGG, *Acting Secretary of Agriculture.*

24552. Adulteration and misbranding of tomato juice. U. S. v. K. M. Davies Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30132. I. S. no. 43518.)

This case was based on an interstate shipment of tomato juice that contained added water.

On November 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against K. M. Davies Co., Inc., Williamson, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 12, 1932, from the State of New York into the State of Massachusetts, of a quantity of canned tomato juice that was adulterated and misbranded. The article was labeled in part: "Williamson Brand Tomato Juice * * * A Pure Juice from Selected Red, Ripe Tomatoes * * * Packed by K. M. Davies Co. Inc. Williamson, N. Y."

The article was alleged to be adulterated in that a substance, excessive water, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure tomato juice which the article purported to be.