

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]

30801-30875

FOODS

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 3, 1939]

30801. Misbranding of butter. U. S. v. 365 Boxes of Butter. Consent decree of condemnation. Product released under bond for relabeling or re-printing. (F. & D. No. 42042. Sample No. 16943-D.)

This product was short weight.

On March 3, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 365 boxes of butter at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about February 18, 1938, by the Fulton Butter & Egg Corporation from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Butter * * * 60 lb. Net Weight"; (prints) "One lb. Net."

It was alleged to be misbranded in that the declared net weights were false and misleading and tended to deceive or mislead the purchaser.

On March 17, 1938, the Fulton Butter & Egg Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled or reprinted under the supervision of this Department.

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

30802. Adulteration of frozen fish. U. S. v. 791 Boxes of Frozen Fish (and 10 other seizure actions against similar products). Default decrees of condemnation. Portions of products ordered destroyed; remainder ordered converted into fertilizer. (F. & D. Nos. 43993, 44750, 45026, 45230, 45276, 45290, 45293, 45301, 45304, 45305, 45363, 45441. Sample Nos. 29131-D, 29133-D, 32395-D, 43199-D, 47300-D, 48882-D, 49153-D, 55301-D, 55302-D, 55323-D, 55335-D, 62570-D, 65207-D, 65244-D.)

These products had been shipped in interstate commerce and remained unsold in the original packages. At the time of examination, certain lots were in part decomposed, others contained parasitic worms, and in one lot both conditions were found.

Between the dates of September 22, 1938, and June 1, 1939, the United States attorneys for the Southern District of Georgia, the District of Massachusetts, Northern District of Indiana, Southern District of Indiana, Northern District of Illinois, Western District of Pennsylvania, Eastern District of Louisiana, Western District of Michigan and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following lots of fish: 791 boxes at Augusta, Ga., 61 boxes at Boston, Mass., 1,058 boxes at Fort Wayne, Ind., 168 boxes at Indianapolis, Ind., 40 cartons at Chicago, Ill., 17 boxes at Pittsburgh, Pa., 15 boxes at New Orleans, La., 69 boxes and 48 cartons at Grand Rapids, Mich., and 100 boxes at Washington, D. C. The libels alleged that the articles had been shipped within the period from on or about September 9, 1938, to on or about May 12, 1939, from Boston, Mass., Vinalhaven, Maine, and Manchester, N. Y., under the following names—Forty Fathom Fisheries, Forty Fathom Fisheries, Division of Bay State Fishing Co., Forty Fathoms, Fathom Fish, Inc., Forty Fathom Fish, Inc., and Forty Fathom Fish Co.; and charged adulteration in violation of the Food and Drugs Act. Certain lots were labeled variously in part: "Forty Fathom Brand Fillets * * * Ocean Perch Cello," "Freshly