

1824. Adulteration and misbranding of dog and cat foods. U. S. v. Gardner E. Goldsmith (Packer Products Co.). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 2966. Sample Nos. 18666-E, 18667-E.)

These products contained little or no meat or meat by-products but did contain excessive water. They also contained less protein and fat than the amounts declared on the label.

On March 26, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Gardner E. Goldsmith, trading as the Packer Products Co. at Philadelphia, Pa., alleging shipment on or about September 26, 1940, from the State of Pennsylvania into the State of Maryland of quantities of dog and cat foods that were adulterated and misbranded. The articles were labeled in part: "Prattdale Brand Dog and Cat Food * * * Packed For Royal Clover Dist. Co. Baltimore, Md."; or "Set-Up Dog Food * * * Made By Packer Products Co. Phila. Pa."

The Prattdale brand was alleged to be adulterated in that a product containing little, or no, meat or meat byproducts, a large amount (approximately 83.35 percent) of water, no wheat bran, not more than 5.03 percent of crude protein, and not more than 0.52 percent of fat had been substituted for a product containing meat, meat byproducts, barley, soya-bean meal, bran, salt, sodium nitrate, and cod-liver oil, and containing not less than 8 percent of protein and not less than 2 percent of fat, which the article purported to be. It was alleged to be misbranded in that the statements "Ingredients Meat, Meat Byproducts * * * Guaranteed analysis protein 8% Minimum Fat 2% Minimum," appearing on the label, were false and misleading since it contained little, if any, meat or meat byproducts and it contained less than 8 percent of crude protein and less than 2 percent of fat.

The Set-Up brand was alleged to be adulterated in that a product containing little, or no, beef byproducts or meat, a large amount (approximately 84.41 percent of water), not more than 4.6 percent of crude protein and not more than 0.44 percent of fat had been substituted for a product containing barley, fresh clean packing-house beef byproducts, meat and bone meal, soya-bean meal, bran, salt, and garlic, with sufficient water added to properly process and containing not less than 6.5 percent of crude protein and not less than 2 percent of crude fat, which the article purported to be. It was alleged to be misbranded in that the statements, "Analysis Crude Protein Min. 6.5% Crude Fat Min. 2%, Contains Fresh Clean Packing House Beef By-Products, Meat, * * * with Sufficient water added to properly process," appearing on the label, were false and misleading since the article contained little, if any, beef byproducts, or meat, much more than sufficient water had been added to it than was required to properly process it, and it contained less than 6.5 percent of crude protein and less than 2 percent of fat.

On March 28, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$75.

NUTS

1825. Adulteration of mixed nuts and filberts. U. S. v. 48 Bags of Mixed Nuts (and 3 other seizure actions involving nuts). Portion of products condemned and destroyed. Remainder ordered released under bond for segregation and destruction of unfit nuts. (F. D. C. Nos. 3384, 3385, 3411, 3417. Sample Nos. 14545-E, 14546-E, 19110-E, 28942-E.)

Samples of these nuts were found to be moldy, wormy, and decomposed.

Between November 15 and 20, 1940, the United States attorneys for the Western District of Pennsylvania, Eastern District of Pennsylvania, and the District of Maryland filed libels against 73 bags of mixed nuts at Pittsburgh, Pa., 25 boxes of mixed nuts at Philadelphia, Pa., and 4 bags of filberts at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about September 3 to on or about October 17, 1940, by Wm. A. Camp Co., Inc., in various shipments from New York, N. Y., and Youngstown, Ohio; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The mixed nuts were labeled in part: "Universal Brand" or "Competition Brand." The filberts were labeled in part "Product of Italy."

On December 12, 1940, Wm. A. Camp Co., Inc., having appeared as claimant for 48 bags of mixed nuts seized at Pittsburgh and having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond conditioned that the unfit portion be segregated and destroyed. On December 27,