

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16476-16500

[Approved by the Secretary of Agriculture, Washington, D. C., November 19, 1929]

16476. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of destruction entered. (F. & D. No. 23396. I. S. No. 0529. S. No. 1598.)

On February 11, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Marston & Co., from Los Angeles, Calif., on or about January 29, 1929, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Marston & Co., Los Angeles, * * * Amber Halves and Quarters."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 25, 1929, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16477. Adulteration of canned mackerel. U. S. v. 1000 Cases of Canned Mackerel. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23349. I. S. No. 040. S. No. 1491.)

On January 26, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of canned mackerel, remaining in the original packages at San Francisco, Calif., consigned by Menzi & Co. (Inc.), Manila, P. I., alleging that the article had been shipped from Manila, P. I., into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "California Leader Mackerel * * * Packed Salmon Style M. Feibusch Distributor San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On June 24, 1929, M. Feibusch, San Francisco, Calif., having appeared as claimant for the property 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 said claimant, upon payment of costs and the execution of a bond in the sum of \$1,900, conditioned in part that it be made by the claimant to conform with the provisions of the Federal food and drugs act under the direction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16478. Misbranding of tomato catsup. U. S. v. 498 Cases of Tomato Catsup. Product ordered released under bond. (F. & D. No. 23633. I. S. No. 04975. S. No. 1625.)

On April 16, 1929, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 498 cases of tomato catsup at Tulsa, Okla., alleging that the article had been shipped by the Mid-West Food Packers, of Marion, Ind., from Fowlerton, Ind., on or about September 17, 1928, and transported from the State of Indiana into the State of Oklahoma, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Polar Bear Brand * * * Pure Tomato Catsup. No Artificial Coloring or Preservative Used."

It was alleged in the libel that the said interstate shipment of the article was in violation of paragraphs 2 and 4 of section 8 of the act in that artificial coloring was present in each of said bottles of tomato catsup.

On June 26, 1929, the Griffin-Goodner Grocery Co., Tulsa, Okla., having appeared as claimant for the property and having admitted that the article was misbranded, and the said claimant having paid costs and filed a bond in the sum of \$100, conditioned that the product would not be sold or otherwise disposed of contrary to the Federal food and drugs act, it was ordered by the court that the said product be delivered to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16479. Misbranding of coffee. U. S. v. 4 Cases of Coffee. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23661. I. S. Nos. 07350, 07351. S. No. 1902.)

On April 27, 1929, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of coffee, remaining in the original unbroken packages at Sheridan, Wyo., alleging that the article had been shipped by the Northwestern Distributing Co., Billings, Mont., on or about April 12, 1929, and transported from the State of Montana into the State of Wyoming, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sawyer Brand Roasted Coffee * * * Roasted and especially packed for J. M. Sawyer Company Net Contents 1 Pound" (or "Net Contents 2½ Pounds").

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, in that each of the cans containing the article was labeled "1 Pound" or "2½ Pounds," as the case might be, whereas each of said cans contained less than so labeled. Misbranding was alleged for the further reason that the article was in package form and the contents of each of the said cans were not plainly and correctly stated on the outside of said can or package, in that the contents of the smaller-sized cans were stated as "1 Pound," and the contents of the larger-sized cans were stated to be "2½ Pounds," whereas the said smaller cans contained less than 1 pound of coffee and the said larger cans contained less than 2½ pounds of coffee.

On May 1, 1929, the Northwestern Distributing Co., Billings, Mont., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16480. Adulteration and misbranding of strawberry jelly and misbranding of raspberry, blackberry, and loganberry preserves. U. S. v. 2 Cases of Strawberry Jelly, et al. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. No. 23621. I. S. Nos. 07801, 07802, 07834, 07850. S. No. 1860.)

On April 15, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cases of strawberry jelly, and 5 cases of raspberry, blackberry, and loganberry preserves, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by C. R. Merrifield & Co., from Seattle, Wash., in various consignments, on or about January 23, 1929, February 21, 1929, and March 15, 1929, respectively, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding with respect to the strawberry jelly, and misbranding with respect to the raspberry, blackberry, and loganberry preserves, in violation of the