

# 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]

15301-15350

[Approved by the Secretary of Agriculture, Washington, D. C., January 31, 1928]

**15301. Misbranding of butter. U. S. v. 20 Cases and 15-5/6 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21242. I. S. Nos. 1743-x, 1744-x. S. No. C-5199.)**

On July 23, 1926, the United States attorney for the Middle District of Alabama, 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 35 $\frac{5}{8}$  cases of creamery butter, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Armour Creameries, Meridian, Miss., July 20, 1926, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "1 Lb. Net Weight Cloverbloom Creamery Butter Armour & Co., Main Office, Chicago, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement "One Lb. Net Weight," borne on the packages containing the said article, was false and misleading and deceived and misled the purchaser, and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1926, Armour & Co., Montgomery, Ala., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be repacked and reworked subject to the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15302. Adulteration and alleged misbranding of butter. U. S. v. 81 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22000. I. S. No. 19359-x. S. No. 27.)**

On July 9, 1927, the United States attorney for the Northern District of Illinois, 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 81 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Sanitary Farm Dairy from St. Paul, Minn., July 5, 1927, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On July 17, 1927, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

**15303. Adulteration of figs. U. S. v. 24 Boxes of Adulterated Figs. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21981. I. S. No. 17271-x. S. No. 17.)

On July 18, 1927, 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 24 boxes of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by R. Fair, from Modesto, Calif., on or about June 24, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Net Extra Choice Calimyrna Figs Prepared with Sulphur Dioxide."

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

On July 22, 1927, R. Fair, Modesto, Calif., having through duly authorized agents entered an appearance 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 destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15304. Adulteration and misbranding of vinegar. U. S. v. 48 Barrels of Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21964. I. S. No. 16711-x. S. No. E-6142.)

On June 25, 1927, the United States attorney for the District of Connecticut, 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 48 barrels of cider vinegar, remaining in the original unbroken packages at Danbury, Conn., alleging that the article had been shipped by Edw. Risedorph, from Niverville, N. Y., on or about September 22, 1926, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Roco Cider Vinegar Made from Apple Juice Reduced to Four Percent Acid. Mfd. by Edw. Risedorph, Kinderhook, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Cider Vinegar \* \* \* Reduced to Four Percent Acid," borne on the label, were false and misleading, and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On or about August 1, 1927, Edward Risedorph, Kinderhook, N. Y., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that sufficient high-acid apple cider vinegar be added thereto to raise the acidity to at least 4 grams per 100 cubic centimeters.

W. M. JARDINE, *Secretary of Agriculture.*

**15305. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 22005. I. S. No. 20032-x. S. No. 38.)

On July 22, 1927, the United States attorney for the Eastern District of Pennsylvania, 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 17 tubs of butter remaining in the original unbroken packages at Philadelphia, Pa., consigned by the North State Creamery Co., Burlington,