

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]

17526-17575

[Approved by the Secretary of Agriculture, Washington, D. C., March 19, 1931]

17526. Adulteration of canned cherries. U. S. v. 22 Cases of Canned Cherries. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 23362. I. S. No. 07926. S. No. 1526.)

Samples of canned cherries from the herein described interstate shipment having been found to contain worms and decayed cherries, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On June 10, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned cherries, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by James J. Reilly, from Philadelphia, Pa., on or about September 28, 1928, and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand Sour Pitted Cherries, * * * Packed for Reeves Parvin & Co., Philadelphia, Pa."

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 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17527. Adulteration and misbranding of butter. U. S. v. 18 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24902. I. S. No. 037974. S. No. 3177.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about June 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about May 26, 1930, alleging that the article had been shipped by Schlosser Bros., from Frankfort, Ind., and had been transported from the State of Indiana into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Fancy Packed For Blatter Bros. Creamery * * * Creamery Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged

for the further reason that the statement "Butter," borne on the label, was false and misleading and deceived and misled the purchaser.

On June 12, 1930, Blatter Bros., Baltimore, Md., 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 \$500, conditioned in part that it should not be disposed of until reconditioned to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17528. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24027. I. S. No. 04514. S. No. 2151.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 18, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Schmitt Bros. (Inc.), from Blue River, Wis., on July 9, 1929, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; in that a valuable constituent of the article, butterfat, had been in part abstracted therefrom; and in that it contained less than 80 per cent of butterfat.

On July 26, 1929, C. H. Weaver & Co., Chicago, Ill., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17529. Adulteration and alleged misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23858. I. S. No. 09199. S. No. 1940.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 20, 1929, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the West Hamlin Creamery Co., Elkhorn, Iowa, on or about April 9, 1929, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce and 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 article was offered for sale under the distinctive name of another article.

On April 29, 1929, Gallagher Bros., 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 costs and the