

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]

20751-20875

[Approved by the Acting Secretary of Agriculture, Washington, D.C., March 24, 1934]

20751. Misbranding of jellies. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29444. I. S. no. 39841.)

This case was based on an interstate shipment of various kinds of jellies, sample jars of which were found to contain less than 8 ounces, the declared weight.

On February 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Red Wing Co., Inc., a corporation, trading at Fredonia, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about August 28, 1931, from the State of New York into the State of Connecticut, of a quantity of assorted jellies that were misbranded. The articles were labeled in part: (Jars) "Willow Brook Apple-Pectin * * * Jelly * * * Manufactured and Guaranteed by The Red Wing Company, Inc., Fredonia, N.Y. 8 Ozs. Adv. Net."

It was alleged in the information that the articles were misbranded in that the statement "8 Ozs. Adv. Net", borne on the label, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the jars contained less than 8 ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 31, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20752. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29072. Sample no. 12507-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 29, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1932, by the Farmers Cooperative Creamery, from Greeley, Iowa, to New York, N.Y., 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 product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 24, 1932, 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 delivered to a charitable institution for consumption and not for sale.

R. G. TUGWELL, *Acting Secretary of Agriculture.*