

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11951-12000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 24, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11951. Adulteration of shell eggs. U. S. v. 102 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17891. I. S. No. 17834-v. S. No. C-4127.)

On October 2, 1923, 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 the seizure and condemnation of 102 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Gentry Mercantile Co., from Gentry, Mo., September 26, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 3, 1923, Dauber Bros., Chicago, Ill., claimants, having admitted the material allegations of the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11952. Misbranding of rolled barley. U. S. v. San Francisco Milling Co., Ltd., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 16404. I. S. Nos. 11080-t, 11081-t, 11082-t, 11083-t, 11084-t, 11085-t, 11086-t.)

On September 14, 1922, 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 an information against the San Francisco Milling Co., Ltd., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about February 6, 7, and 8, 1922, respectively, from the State of California into the Territory of Hawaii, of quantities of rolled barley which was misbranded. The greater portion of the article was labeled in part: (Sack) "Rld Barley 75 Lbs. Net." The remainder of the article was labeled in part: (Sack) "Hilo Prince Special Rolled Barley 75 Lbs. Net."

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained less than the quantity declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "75 Lbs. Net," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks contained 75 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 75 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not contain 75 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11953. Adulteration and misbranding of canned oysters. U. S. v. 88 Cases and 13 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 16643, 16663. I. S. Nos. 6601-v, 6603-v. S. Nos. C-3710, C-3726.)

On July 19 and 27, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 101 cases of oysters, remaining unsold in the original unbroken packages in part at Sikeston and in part at St. Louis, Mo., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., in part on or about April 22 and in part on or about May 17, 1922, and transported from the State of Georgia into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. * * * Savannah, Ga." The remainder of the article was labeled in part: (Can) "Indian Belle Brand * * * Select Quality Oysters * * * Contents 5 Ozs."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "5 Oz." and "Contents 5 Ozs.," borne in the labeling of the respective brands of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 2, 1922, the Hilton Head Packing Co., Inc., Savannah, Ga., 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 the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Slack Filled A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

C. F. MARVIN, *Acting Secretary of Agriculture.*

11954. Adulteration of butter. U. S. v. 92 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17623. I. S. No. 8671-v. S. No. W-1392.)

On July 3, 1923, 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 the seizure and condemnation of 92 cubes of butter, at San Francisco, Calif., alleging that the article had been shipped by the Bradner Co., from Seattle, Wash., June 26, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act.