

## 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]

15651—15700

[Approved by the Secretary of Agriculture, December 13, 1928, Washington, D. C.]

**15651. Adulteration of scallops. U. S. v. 3 Boxes of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution.** (F. & D. No. 22417. I. S. No. 21577-x. S. No. 451.)

On January 14, 1928, 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 said district a libel praying seizure and condemnation of 3 boxes of scallops at New York, N. Y., alleging that the article had been shipped by the Brown, Lowe Co., Beaufort, N. C., on or about January 12, 1928, and transported from the State of North Carolina into the State of New York, 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, water, had been mixed and packed with and substituted in part for scallops.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product fit for human consumption be delivered to a charitable institution.

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

**15652. Adulteration of dried figs. U. S. v. 1200 Boxes and 1200 Boxes of Dried Figs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21744. I. S. Nos. 75-x, 17001-x. S. No. E-6062.)

On or about March 22, 1927, the United States attorney for the Eastern District of New York, 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 2,400 boxes of dried figs, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about February 21, 1927, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

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 September 21, 1927, Rosenberg Bros. & Co., San Francisco, Calif., claimants, 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 claimants, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,500, conditioned in part that it be relabeled, "Not For Human Consumption," and not be used for human consumption or for purposes other than distillation of alcohol and hog feed.

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

**15653. Adulteration of scallops. U. S. v. 11 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22660. I. S. No. 21043-x. S. No. 608.)

On February 21, 1928, the United States attorney for the District of Massachusetts, 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 11 gallons of scallops, remaining in the original unbroken

packages at Boston, Mass., consigned about February 16, 1928, alleging that the article had been shipped by the Atlantic Coast Oyster Co., Wachapreague, Va., and transported from the State of Virginia into the State of Massachusetts, 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, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that water had been substituted in part for the said article.

On March 2, 1928, 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.

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

**15654. Adulteration of canned cherries. U. S. v. 29 Cases of Canned Cherries. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 22060. I. S. No. 20405-x. S. No. 100.)

On September 15, 1927, the United States attorney for the District of Maryland, 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 29 cases of canned cherries, remaining in the original unbroken packages at Easton, Md., alleging that the article had been shipped by G. C. Salter, from Victor, N. Y., August 10, 1927, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pie Makers Special Red Sour Cherries. \* \* \* Packed by The J. Salter Co., Manchester, N. Y."

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

On January 4, 1928, G. C. Salter 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 the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reconditioned to meet the requirements of the law.

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

**15655. Adulteration of apple butter. U. S. v. 30 Pails of Apple Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22061. I. S. No. 21179-x. S. No. 101.)

On September 15, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 30 pails of apple butter, remaining in the original unbroken packages at Washington, D. C., consigned by Austin Nichols Co., from Brooklyn, N. Y., September 3, 1927, into the District of Columbia, alleging that the article was being offered for sale and sold in Washington, D. C., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunbeam Pure Apple Butter, Austin Nichols Co., Inc., New York, N. Y., Chicago, Ill."

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

On March 2, 1928, 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.

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

**15656. Misbranding and alleged adulteration of canned corn. U. S. v. 200 Cases, et al., of Canned Corn. Consent decree of condemnation entered. Product released under bond.** (F. & D. Nos. 22395, 22413. I. S. Nos. 15976-x, 15977-x, 15978-x, 15979-x. S. Nos. 479, 502.)

On January 26 and 31, 1928, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 580 cases of canned corn, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Carroon & Co., from Fowler, Ind., in part November 30, 1927, and in part December 3, 1927, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of