

U. S. FOOD & DRUG ADMINISTRATION
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N. T. F. D. 16051-16100

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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]

16051-16100

[Approved by the Secretary of Agriculture, Washington, D. C., June 22, 1929]

16051. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22927. I. S. No. 03101. S. No. 993.)

On July 27, 1928, 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 1 barrel of frozen poultry, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hawkeye Products Co., Corydon, Iowa, alleging that the article had been shipped from the State of Iowa into the State of Pennsylvania, on or about July 17, 1928, 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 animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 20, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16052. Adulteration and alleged misbranding of cocoa. U. S. v. 164 Barrels of Cocoa. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22652. I. S. No. 17884-x. S. No. 693.)

On March 20, 1928, 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 seizure and condemnation of 164 barrels of cocoa, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by E. & A. Opler (Inc.), from Seattle, Wash., on or about February 1, 1928, and had been transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc. * * * Pure Cocoa Chicago, Ill."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Cocoa" was false and misleading and deceived and misled the purchaser.

On August 6, 1928, Orville C. Hatch, jr., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court 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 proceed-

ings and the execution of a bond in the sum of \$1,640, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16053. Adulteration of canned cherries. U. S. v. 14 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20248. I. S. No. 17246-v. S. No. E-5429.)

On July 16, 1925, 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 14 cases of canned cherries, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale in the original unbroken packages in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride of Egypt Brand * * * Red Sour Pitted Cherries Guaranteed and Distributed by Egypt Canning Co., Inc., Egypt, N. Y."

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

On October 27, 1926, 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.*

16054. Misbranding of feed. U. S. v. 75 Bags and 150 Bags of Feed. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22970, 22971. I. S. Nos. 013154, 013155. S. No. 1047.)

On or about August 10, 1928, 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 libels praying seizure and condemnation of 225 bags of feed, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about June 11, 1928, and transported from the State of California into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Poultry Greens * * * Guaranteed Analysis Protein 20% Min. Fat 2% Min. Fibre 18% Max. Packed by The A. W. Scott Co., * * * San Francisco."

It was alleged in the libels that the article was misbranded in that the statements, "Guaranteed Analysis Protein 20% Min. Fat. 2% Min. Fibre 18% Max.," borne on the label, were false and misleading and deceived and misled the purchaser.

On August 23, 1928, the A. W. Scott Co., San Francisco, Calif., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds totaling \$300, conditioned in part that it should not be sold or disposed of until plainly and conspicuously labeled to show the correct contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16055. Adulteration of butter. U. S. v. 3 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22018. I. S. No. 17367-x. S. No. 41.)

On July 22, 1927, 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 seizure and condemnation of 3 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Northern Creamery Co., from Great Falls, Mont., July 8, 1927, and had been transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7, paragraph 2 of said act, under food in that it was deficient in milk fat.