

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]

16451-16475

[Approved by the Secretary of Agriculture, Washington, D. C., November 19, 1929]

16451. Adulteration of butter. U. S. v. 8 Cases of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 23810. I. S. No. 07630. S. No. 1930.)

On April 29, 1929, the United States attorney for the Eastern District of Louisiana, 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 8 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., Enid, Okla., on or about April 16, 1929, and transported from the State of Oklahoma into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Retail carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

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, lower, or injuriously affect its quality or 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 May 28, 1929, Swift & Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$200, conditioned that it be reworked to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16452. Adulteration of canned tomatoes. U. S. v. 1000 Cases of Canned Tomatoes. Decree of condemnation and destruction entered with respect to unfit portion. Remainder ordered released to claimants. (F. & D. Nos. 22110, 22111, 22112. I. S. No. 5947-x. S. No. 146.)

On October 24, 1927, 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 for said district a libel praying seizure and condemnation of 1,000 cases of canned tomatoes, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Ocean View Canning Co. (Inc.), from Frankford, Del., September 22, 1927, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ocean View Brand Tomatoes, * * * Packed by Ocean View Canning Co., Inc., Ocean View, Del."

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.

The Ocean View Canning Co. (Inc.), Ocean View, Del., and John S. McDaniel & Co. (Inc.), Buffalo, N. Y., appeared as claimants for the property and on June 27, 1928, an order was issued by the court permitting claimants to inspect and separate from the product the portion unfit for human con-