

# 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]

16951-16975

[Approved by the Secretary of Agriculture, Washington, D. C., September 12, 1930]

**16951. Adulteration of canned frozen eggs. U. S. v. 100 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24318. I. S. No. 03939. S. No. 2572.)**

On December 5, 1929, 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 100 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Fairmont Creamery Co., Sioux City, Iowa, alleging that the article had been shipped from Sioux City, Iowa, on or about November 29, 1929, and transported from the State of Iowa into the State of Pennsylvania, 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, and putrid animal substance.

On December 21, 1929, the Fairmont Creamery Co., Omaha, Nebr., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16952. Misbranding and alleged adulteration of jelly concentrates. U. S. v. 36 Cases of Raspberry Minute Jelly Concentrate, et al.—Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24115. I. S. Nos. 08194, 08195. S. No. 2357.)**

On October 2, 1929, 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 36 cases of raspberry Minute jelly concentrate and 62 cases of currant Minute jelly concentrate, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Minute Jelly (Inc.), Cranford, N. J., alleging that the articles had been shipped from Cranford, N. J., July 1, 1929, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Raspberry (or "Currant") Minute Jelly Concentrate 1 bottle makes 2 glasses of finest Jelly \* \* \* jelly is ready to pour in glasses \* \* \* no purer jelly can be made \* \* \* a mixture of fruit juice and sugar with natural flavor fruit acid and vegetable color and a small amount of pectin to jell \* \* \* Minute Jelly Inc. Cranford, New Jersey."

It was alleged in the libel that the articles were adulterated in that a substance devoid of fruit juice had been mixed and packed with and substituted in part for the said articles, and for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "A mixture of fruit juice," "Raspberry (or "Currant") Minute Jelly Concentrate," "Makes \* \* \* finest jelly," and "Jelly is ready," borne on the labels, were false and misleading and deceived and misled purchasers when applied to articles devoid of fruit juices. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On December 20, 1929, Minute Jelly (Inc.), Cranford, N. J., having appeared as claimant for the property, judgment was entered finding the products misbranded and ordering their condemnation and forfeiture, and it was further ordered by the court that the said products might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16953. Adulteration and misbranding of prepared mustard. U. S. v. 5 Cases of Prepared Mustard. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23409. I. S. No. 07425. S. No. 1581.)**

On February 15, 1929, the United States attorney for the District of Colorado, 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 5 cases, each containing a number of jars of prepared mustard, remaining in the original unbroken packages at Denver, Colo., consigned by the Jewett & Sherman Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about January 21, 1929, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Crown Brand \* \* \* Prepared Mustard Colored with Turmeric. Holsum Products Inc., Chicago, Milwaukee, Kansas City."

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

Misbranding was alleged for the reason that the designation "Prepared Mustard" was false, misleading, and deceptive, and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 27, 1929, the Holsum Products (Inc.), Chicago, Ill., claimant, 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 claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16954. Adulteration and misbranding of grape juice. U. S. v. 60 Cases, et al., of Grape Juice. Default order of destruction entered. (F. & D. No. 23980. I. S. Nos. 06178, 06179. S. No. 2240.)**

On September 3, 1929, the United States attorney for the District of Utah, 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 60 cases of pint bottles and 70 cases of quart bottles of grape juice, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Pacific American Fisheries, from Seattle, Wash., in part on or about May 17, 1929, and in part on or about July 3, 1929, and transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "One Pint Net (or "One Quart Net") Serv-us Brand Grape Juice Unfermented \* \* \* Serv-us Grocery Products Corp'n, Distributors, Buffalo, N. Y."

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 the article, so as to lower or reduce or injuriously affect its quality or strength.

It was further alleged that the article was short in volume and was misbranded in that the statements, "Grape Juice," "One Pint Net," and "One Quart Net," borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in