

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]

19901-20000

[Approved by the Secretary of Agriculture, Washington, D. C., May 6, 1933]

19901. Violations of the Federal food and drugs act, and conspiracy to commit an offense against the United States. U. S. v. Ferris Habib, Albert Haddad, and Malkoun J. Sayegh. Plea of guilty entered by each defendant. Ferris Habib placed on probation for 2 years. Albert Haddad sentenced to 6 months' imprisonment. Malkoun J. Sayegh sentenced to 2 months' imprisonment. (F. & D. No. 26140. I. S. No. 27914. S. No. 4366.)

On September 18, 1931, the grand jurors for the United States returned, in the United States District Court for the Southern District of New York, an indictment against Ferris Habib, alias L. Ferris, alias Louis Ferris, alias Ferris Yamen; Albert Haddad; and Malkoun J. Sayegh. The indictment contained 12 counts and charged, in counts 1, 2, and 3, violations of the food and drugs act, and in count 10, conspiracy to violate the said act. (The remaining counts charged violations of the internal revenue laws and conspiracy to violate said laws.)

The indictment charged that on or about February 9, 1931, February 17, 1931, and February 24, 1931, respectively, the defendants delivered for shipment in interstate commerce three lots consisting of 1,500 pounds each of oleomargarine which had been taken from its original oleomargarine packages and placed in packages labeled "Pure Creamery Butter;" and which was intended to be and was transported in interstate commerce from New York, N. Y., to Harrisburg, Pa., in violation of section 2, title 21, of the United States Code (commonly known as the food and drugs act), which prohibits the shipment in interstate commerce of any article of food which is adulterated or misbranded.

The indictment further charged that beginning on or about September 1, 1930, and continuing up to and including the date of filing of said indictment, the defendants had combined, conspired, confederated, and agreed together to violate said Federal food and drugs act, i. e., to ship and deliver for shipment in interstate commerce from the State of New York into the State of Pennsylvania 4,500 pounds of oleomargarine, which the defendants intended to misbrand and place in packages marked "Pure Creamery Butter," and that in pursuance of the conspiracy, and to effect the objects thereof, the defendants committed certain overt acts.

On January 7, 1932, the defendants each entered a plea of guilty to the indictment, and the court imposed a sentence of 6 months' imprisonment on Albert Haddad, 2 months' imprisonment on Malkoun J. Sayegh, and placed Ferris Habib on probation for 2 years.

HENRY A. WALLACE, *Secretary of Agriculture.*

19902. Adulteration of canned blackberries. U. S. v. 297 Cases of Blackberries. Default decree of condemnation and destruction. (F. & D. No. 27921. I. S. Nos. 21514, 23078. S. No. 5954.)

This action involved the interstate shipment of a quantity of canned blackberries, samples of which were found to contain excessive mold.

On March 18, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for the district aforesaid a libel praying seizure and condemnation of 297 cases of canned blackberries at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about February 23, 1932, by the Valley Fruit Canning Co., from Puyallup, Wash., to Los Angeles, and reshipped to Phoenix, Ariz., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Yellow Band Brand Blackberries."

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

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19903. Adulteration of canned sardines. U. S. v. 100 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27774. I. S. Nos. 22543, 22549. S. No. 5846.)

This action involved the interstate shipment of a quantity of canned sardines samples of which were found to be decomposed.

On February 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned sardines, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about January 12, 1932, by the Van Camp Sea Food Co. (Inc.), from Terminal Island Calif., to Tacoma, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Superior Quality Blue and White Brand California Sardines Red and White Corpn. Buffalo, N. Y., Distributors, San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 13, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19904. Adulteration and misbranding of butter. U. S. v. Ordway Creamery Co. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 27541. I. S. Nos. 31433, 31434.)

This action was based on the interstate shipment of two lots of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, and which were also found to be short of the declared weight.

On May 12, 1932, 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 the district aforesaid an information against the Ordway Creamery Co., a corporation, Ordway, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 2, 1931, from Ordway, Colo., to Raton, New Mex., of quantities of butter that was adulterated and misbranded. A portion of the article was labeled in part, "Mountain Glow Creamery Butter * * * One Pound Net," and the remainder was labeled in part: "Finest Creamery Butter * * * Net Weight One Pound."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statements, "Butter," "One Pound Net," and "Net Weight One Pound," borne on the packages, were false and misleading, since the said statements represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, and that each of said packages contained 1 pound net, whereas it was a product which did not contain 80 per cent by weight of milk fat, but did contain a less amount; and each of said packages did not contain 1 pound net, but did contain a less amount. Misbranding of the article was alleged for the further reason that it was food in package form and the quantity of the