

**21759. Misbranding of Peerless Milk Ration. U. S. v. Arcady Farms Milling Co. Plea of guilty. Fine, \$200. (F. & D. no. 29360. I.S. no. 18368.)**

This case was based on an interstate shipment of a feed which purported to bear on the label a correct declaration of all ingredients. Examination showed that the article contained no linseed oil meal, one of the labeled ingredients, and did contain oat hulls, an undeclared ingredient.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arcady Farms Milling Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 23, 1930, from the State of Illinois into the State of Kentucky, of a quantity of Peerless Milk Ration that was misbranded. The article was labeled in part: (Tag) "Peerless Milk Ration Made by Arcady Farms Milling Co. Chicago, Ill."

It was alleged in the information that the article was misbranded in that the statements on the label, "Made From: Cottonseed Meal, Old Process Linseed Oil Meal, Corn Gluten Feed, Wheat Bran, Dried Brewers' Grains from Barley Malt and Corn, 20% Ground and Bolted Grain Screenings containing 50% Weed Seeds, Molasses, Salt 1/2%", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was composed exclusively of the ingredients named on the label, whereas it was not, since it contained no old process linseed oil meal, one of the declared ingredients, and did contain added oat hulls, an ingredient which was not declared.

On December 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21760. Adulteration of apples. U. S. v. 35 Bushels of apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31088. Sample no. 59451-A.)**

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 31, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 24, 1933, by William Hamlin, from Glenn, Mich., 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 contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 20, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21761. Adulteration and misbranding of coffee. U. S. v. 13 Cases, et al., of Coffee. Default decrees of condemnation and forfeiture. Portion of product destroyed. Remainder delivered to a charitable institution. (F. & D. nos. 31086, 31087, 31124, 31128. Sample nos. 39401-A, 39402-A, 39942-A, 39943-A.)**

These cases involved interstate shipments of coffee that contained coffee chaff and rye cereal.

On September 13 and September 20, 1933, the United States attorney for the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 cases of coffee, in part at Quitman, Ga., and in part at Thomasville, Ga. On September 14, 1933, a libel was filed in the Southern District of Georgia against 13 cases of coffee at Waycross, Ga., and on September 20, 1933, a libel was filed in the Northern District of Florida against 10 cases of coffee at Tallahassee, Fla. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of May 10 and August 8, 1933, by the Johnson Coffee Co., from Chattanooga, Tenn., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was contained in paper bags labeled in part: "Black Joe Brand Pure Rio Coffee Roasted and Packed for Suwanee Stores."

The libels charged that the article was adulterated in that coffee chaff and rye cereal had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for coffee.

Misbranding was alleged for the reason that the statement, "Pure \* \* \* Coffee", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

No claim was entered for the property seized. On November 1 and November 7, 1933, judgments were entered in the Southern District of Georgia and the Northern District of Florida ordering that the product be destroyed. On November 28, 1933, judgment of condemnation and forfeiture was entered in the cases instituted in the Middle District of Georgia, and it was ordered by the court that the product be delivered to a charitable institution, since the adulteration was of such nature as not to be injurious to health.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21762. Adulteration of bottled beer. U. S. v. 24 Cases of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31023. Sample no. 44233-A.)**

This case involved an interstate shipment of bottled beer that was in part sour and spoiled.

On August 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of bottled beer at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about May 5, 1933, by Berks County Bottling Works, from Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bushkill Lager Bushkill Products Co., Easton, Penna."

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

On November 7, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21763. Misbranding of walnut meats. U. S. v. 92 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30979. Sample no. 50878-A.)**

This case involved an interstate shipment of walnut meats in cans. Sample cans taken from the shipment were found to contain less than 8 ounces, the labeled weight.

On August 29, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of walnut meats at Denver, Colo., consigned by the Dundee Walnut Association, Dundee, Oreg., alleging that the article had been shipped in interstate commerce on or about November 10, 1932, from Dundee, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Nor-Pac Oregon walnut meats. Fancy Light Net Wt. 8 Ounces. North Pacific Nut Growers Cooperative, Lebanon, Oregon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Wt. 8 Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On November 24, 1933, the North Pacific Nut Growers Cooperative, Lebanon, Oreg., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*