

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]

23301—23625

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 15, 1935]

23301. Adulteration and misbranding of frozen eggs. U. S. v. Marshall Kirby Co. Plea of guilty. Fine, \$50. (F. & D. no. 27447. I. S. no. 028461.)

This case was based on an interstate shipment of frozen eggs, sample cans of which were found to be putrid, sour, or musty. The cans failed to bear a statement on the label of the quantity of the contents.

On November 23, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall Kirby Co., a corporation, Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1930, from the State of Indiana into the State of New Jersey, of a quantity of frozen eggs which were adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

23302. Misbranding of canned black raspberries. U. S. v. Hunt Bros. Packing Co. Plea of guilty. Fine, \$400. (F. & D. no. 32118. Sample no. 29837-A.)

Sample cans of black raspberries taken from the shipment involved in this case were found to contain less than the declared weight.

On June 4, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hunt Bros. Packing Co., a corporation trading at Salem, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about January 24, 1933, from the State of Oregon into the State of California, of a quantity of canned black raspberries which were misbranded. The article was labeled in part: "Famous Puyallup Brand Solid Pack Black Raspberries Net Weight 6 Lbs. 8 Ozs. Packed by Pacific North West Canning Co., Puyallup, Wash."

The article was alleged to be misbranded in that the statement, "Net Weight 6 Lbs. 8 Ozs.", borne on the label, was false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 6 pounds 8 ounces. Misbranding was alleged for the further reason that the article was food 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 October 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$400.

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