

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]

29451-29750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 27, 1938]

29451. Adulteration of candy. U. S. v. 4 Boxes, et al., of Candy (and seven similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43100 to 43103, inclusive, 43107, 43117, 43133 to 43137, inclusive, 43200, 43201, 43202, 43208 to 43212, inclusive, 43216, 43217, 43218, 43253. Sample Nos. 9284-D, 37618-D, 37742-D to 37745-D, inclusive, 37747-D, 37755-D to 37759-D, inclusive, 37809-D to 37816-D, inclusive, 37937-D, 37938-D, 37939-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

Between the dates of July 20, 1938, and August 16, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 73 boxes and cartons of candy at New Orleans, La., 76 boxes of candy at Tuscaloosa, Ala., and 149 boxes and cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce within the period from on or about June 2, 1937, to on or about May 16, 1938, that with the exception of 11 cartons of the product the shipments had been made by Mars, Inc., from Chicago, Ill.; and that the said 11 cartons had been shipped by the Hollywood Candy Co. from Davenport, Iowa; and charging that the article was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On September 8, 12, 13, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29452. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43327. Sample No. 26631-D.)

This product was infested with maggots.

On August 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 6, 1938, from McAdoo, Pa., by Matsko's; and charging adulteration in violation of the Food and Drugs Act.

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

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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