

# 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]

29801-30000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 9, 1939]

**29801. Adulteration of crab meat. U. S. v. Howard W. Shaw and John R. Shaw. Plea of nolo contendere by Howard W. Shaw. Imposition of sentence suspended and defendant placed on probation for 5 years. Information dismissed as to John R. Shaw. (F. & D. No. 42541. Sample Nos. 13277-D, 13281-D, 13287-D, 13292-D.)**

This product contained evidence of the presence of filth.

On July 16, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Howard W. Shaw and John R. Shaw, trading as the Gulf Coast Fisheries at Jacksonville, Fla., alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about February 12, 1938, to on or about February 15, 1938, from the State of Florida into the States of New York and Pennsylvania of quantities of crab meat which was adulterated.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On October 3, 1938, the defendants filed a demurrer to the information, motion for bill of particulars, and motion to quash. On October 14, 1938, the court denied the motion to quash and overrule the demurrer, and granted the defendants' motion for bill of particulars as to the nature of the filthy animal substance alleged to be the gist of the offense charged. On October 26, Howard W. Shaw withdrew his plea of not guilty and entered a plea of nolo contendere and on the same day, on motion of the United States attorney, the information was dismissed as to John R. Shaw. Imposition of sentence was suspended as to Howard W. Shaw and he was placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29802. Adulteration of caraway seed. U. S. v. 110 Bags of Caraway Seed. Default decree of condemnation and destruction. (F. & D. No. 43109. Sample No. 27662-D.)**

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain materially less volatile oil than normal seed should contain, indicating that the seed was partially exhausted.

On July 21, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 bags of caraway seed at St. Louis, Mo.; alleging that the article had been shipped on or about June 24, 1938, by P. H. Petry from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that caraway seed from which a portion of the volatile oil had been removed had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for it; and in that a valuable constituent, volatile oil, had been wholly or in part abstracted.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*