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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12701–12750

[Approved by the Secretary of Agriculture, Washington, D. C., February 16, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12701. Misbranding of flour. U. S. v. 1,000 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18026. I. S. No. 4980–v. S. No. C–4193.)

On November 16, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 sacks of flour, at Cincinnati, Ohio, consigned by the Milroy Milling Co., Milroy, Ind., October 29, 1923, alleging that the article had been shipped from Milroy, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Clifton Winter Patent Flour * * * 24½ Pounds When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement "24½ Pounds," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser. 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 package.

On November 20, 1923, the Milroy Milling Co., Milroy, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, repacked, and reweighed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12702. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18898. I. S. No. 20393–v. S. No. W–1529.)

On July 16, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 10 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, Seattle, Wash., June 28, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted from the said article.

On September 18, 1924, W. E. Turner, Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the law, under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12703. Adulteration and alleged misbranding of raspberry jam. U. S. v. 46 Cases of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18418. I. S. No 11938-v. S. No. W-1480.)

On February 27, 1924, 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 said district a libel praying the seizure and condemnation of 46 cases of raspberry jam, remaining in the original unbroken packages at Pueblo, Colo., consigned by Libby, McNeill & Libby, The Dalles, Ore., alleging that the article had been shipped from The Dalles, Oreg., in part on or about October 5 and in part on or about November 20, 1923, and transported from the State of Oregon into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Raspberry Jam."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Jellies, Jams, And Fruit Butters Are Made Of Ripe, Sound Fruit," appearing on the label on the containers of the article, was false and misleading and deceived and misled the purchaser.

On June 7, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12704. Misbranding of butter. U. S. v. Morris & Co., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17697. I. S. Nos. 11262-v, 11263-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morris & Co., a corporation, trading at San Francisco, Calif., alleging that on or about April 3 and 17, 1923, respectively, the said company delivered for shipment from the State of California into the Territory of Hawaii, in violation of the food and drugs act as amended, quantities of butter which was misbranded. The article was labeled in part: "Morris' Supreme Fancy Creamery Butter Morris & Company, U. S. A. One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 300 packages from each of the consignments showed that the average net weight of the lots examined was 15.69 ounces and 15.54 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter, but did contain a less amount. Misbranding was alleged for the further reason that the article was