

## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 13051-13100

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 29, 1925]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13051. Adulteration of tomato pulp. U. S. v. 897 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19456. I. S. No. 19132-v. S. No. C-4602.)**

On December 30, 1924, the United States attorney for the Northern District of Illinois, 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 897 cases of tomato pulp, at Chicago, Ill., alleging that the article had been shipped by the Gates Canning Co., from Gates, Ind., November 8, 1924, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Prairie Creek Brand Hand Packed Tomatoes \* \* \* Packed By Gates Canning Co. Gates, Indiana."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 3, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13052. Misbranding of feed. U. S. v. Southern Oil & Feed Mills (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 18471. I. S. Nos. 953-v, 964-v.)**

On September 16, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Oil & Feed Mills (Inc.), a corporation, Petersburg, Va., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 18 and November 23, 1923, respectively, from the State of Virginia into the State of North Carolina, of quantities of feed which was misbranded. The article in one shipment was labeled in part: "Gubernut Laying Feed The 2 in 1 Feed. \* \* \* Guaranteed Analysis Protein 18% \* \* \* Manufactured By Southern Oil & Feed Mills Inc. Petersburg, Virginia." The article in the other shipment was labeled in part: "Big Bone Hog Feed Guaranteed Analysis Crude Protein 18% \* \* \* Manufactured by Southern Oil & Feed Mills Inc. Petersburg, Va."

Analysis of a sample of the Gubernut laying feed and of the Big Bone hog feed by the Bureau of Chemistry of this department showed that they contained 16.8 per cent and 16.3 per cent of crude protein, respectively.

Misbranding of the article was alleged in the information for the reason that the statement "Guaranteed Analysis Protein 18%," borne on the sacks containing a portion of the article, and the statement "Guaranteed Analysis Crude Protein 18%," borne on the tags attached to the sacks containing the remainder of the article, were false and misleading, in that the said statements represented that the article contained 18 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 18 per cent of protein, whereas it did contain less than 18 per cent of protein.

On October 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13053. Misbranding of peanut meal. U. S. v. 90 Sacks of Peanut Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 19451. I. S. No. 21288-v. S. No. E-5081.)

On or about December 29, 1924, the United States attorney for the District of Maryland, 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 90 sacks of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned about October 6, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, from Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Peanut Meal Manufactured By Suffolk Oil Mill Suffolk, Va., Guaranteed Analysis Protein 41 per cent \* \* \* Made From Shelled Peanuts."

Misbranding of the article was alleged in the libel for the reason that the label bore the statement "Guaranteed Analysis Protein 41 per cent," which was false and misleading and deceived and misled the purchaser.

On February 9, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of condemnation 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 \$200, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until correctly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13054. Adulteration and misbranding of canned peas. U. S. v. 65 Cartons of Peas. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19525. I. S. No. 17122-v. S. No. E-5109.)

On January 22, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 65 cartons of peas, remaining in the original unbroken packages at Allentown, Pa., consigned by the G. L. Webster Canning Co., Cheriton, Va., alleging that the article had been shipped from Cheriton, Va., on or about July 16, 1924, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Bay Side Brand Sifted Early June Peas \* \* \* Packed By G. L. Webster Canning Co. Cheriton, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas" was false and misleading and deceived and misled the purchaser.

On February 9, 1925, the G. L. Webster Canning Co., Cheriton, Va., having appeared as claimant for the property, 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 \$150, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*