

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

15151-15200

[Approved by the Secretary of Agriculture, Washington, D. C., November 18, 1927]

151. Adulteration and misbranding of canned oysters. U. S. v. 13½ Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20962. I. S. Nos. 7426-x, 6457-x. S. No. E-5692.)

On March 24, 1926, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13½ cases of canned oysters, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by John T. Leonard & Sons, from Charleston, S. C., on or about February 9, 1926, and transported from the State of South Carolina into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sea Maid Brand Oysters Contents 5 Oz. Packed by Seaside Cannery, Charleston, South Carolina."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Contents 5 Oz.," on the label, was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under a distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 17, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

152. Adulteration of canned cherries. U. S. v. 694 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21475. I. S. No. 7383-x. S. No. E-5913.)

On December 22, 1926, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 694 cases of canned cherries, at Washington, D. C., alleging that the article was being offered for sale and sold in the original unbroken packages at the city of Washington, in the District of Columbia, by M. E. Cotton, Inc., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride of Egypt Brand Red Sour Pitted Cherries."

* * * * * Guaranteed and Distributed by Egypt Canning Co., Inc., Fairview, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 10, 1927, the Yates County Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of 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, conditioned in part that it be salvaged and the portion unfit for human food destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15153. Adulteration and Misbranding of coffee. U. S. v. Irving Gordon. Plea of nolo contendere. Fine, \$50. (F. & D. No. 19793. I. S. No. 1322-x.)

On April 5, 1927, 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 of the United States for said district an information against Irving Gordon, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 11, 1925, from the State of New York into the State of Illinois, of a quantity of coffee which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, legumes, had been substituted in part for coffee, which the said article purported to be, and for the further reason that a substance to wit, legumes, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, coffee, which it purported solely to be.

On May 9, 1927, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15154. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21775. I. S. No. 10729-x. S. No. W-2107.)

On March 4, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Fruit Distributors, Inc., from Blanton, Fla., on or about February 17, 1927, and transported from the State of Florida into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blanton Packing Co. Packers of Blue Moon Brand Oranges & Grapefruit Blanton, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that an inedible product had been substituted in whole or in part for normal grapefruit of good commercial quality.

On April 9, 1927, the Oregon-Washington Railroad & Navigation Co. having entered a claim against the property for unpaid freight and demurrage charges, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15155. Adulteration and misbranding of butter. U. S. v. Americus Ice Cream & Creamery Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 19763. I. S. Nos. 6562-x, 6607-x.)

On August 13, 1926, the United States attorney for the Southern District of Georgia, 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 Americus Ice Cream & Creamery Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, on or about October 19 and November 6, 1925, respectively.