

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]

15501-15550

[Approved by the Secretary of Agriculture, Washington, D. C., July 26, 1928]

15501. Misbranding of flour. U. S. v. 240 Sacks of Crusader Flour, et al. Decree of condemnation entered. Product released under bond. (F. & D. No. 22064. I. S. Nos. 16069-x to 16072-x, incl. S. No. 104.)

On or about September 22, 1927, the United States attorney for the Middle District of Georgia, 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 330 sacks of flour, remaining in the original unbroken packages at Athens, Ga., alleging that the article had been shipped by the Sterling Mills, Inc., from Statesville, N. C., on or about August 31, 1927, and transported from the State of North Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Sterling Mills, Inc., Statesville, N. C., Crusader Flour * * * 24 Lbs. Net. (or "48 Lbs. Net")." The remainder of the said article was labeled in part: "Sterling Mills, Inc., Statesville, N. C., Instant Self-rising Flour * * * 12 Lbs. Net (or "48 Lbs. Net")."

Misbranding of the article was alleged in the libel for the reason that the net weight statements, "48 Lbs. net," "24 Lbs. net," or "12 Lbs. net," as the case might be, were not correct. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On November 19, 1927, the Sterling Mills, Inc., Statesville, N. C., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$500, conditioned in part that it not be sold or otherwise disposed of in violation of law.

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

15502. Adulteration of oysters. U. S. v. Jacob K. Culver and Norris Davis (Delaware Bay Oyster Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 21575. I. S. Nos. 5842-x, 7589-x, 13764-x, 13765-x, 13767-x, 13840-x.)

On July 11, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob K. Culver and Norris Davis, members of a copartnership trading as the Delaware Bay Oyster Co., Bowers, Del., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about October 14, 16, and 20, 1926, respectively, from the State of Delaware into the State of New York, of quantities of oysters, which were adulterated.

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, the defendants entered pleas of guilty to the information and the court imposed a fine of \$20.

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