

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]

17526-17575

[Approved by the Secretary of Agriculture, Washington, D. C., March 19, 1931]

17526. Adulteration of canned cherries. U. S. v. 22 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23362. I. S. No. 07926. S. No. 1526.)

Samples of canned cherries from the herein described interstate shipment having been found to contain worms and decayed cherries, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On June 10, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned cherries, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by James J. Reilly, from Philadelphia, Pa., on or about September 28, 1928, and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand Sour Pitted Cherries, * * * Packed for Reeves Parvin & Co., Philadelphia, Pa."

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 July 2, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17527. Adulteration and misbranding of butter. U. S. v. 18 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24902. I. S. No. 037974. S. No. 3177.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about June 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about May 26, 1930, alleging that the article had been shipped by Schlosser Bros., from Frankfort, Ind., and had been transported from the State of Indiana into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Fancy Packed For Blatter Bros. Creamery * * * Creamery Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged