

## 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]

18551-18650

[Approved by the Secretary of Agriculture, Washington, D. C., April 15, 1932]

**18551. Adulteration of canned pumpkin. U. S. v. 14 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26229. I. S. No. 20441. S. No. 4554.)**

Samples of canned pumpkin from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of canned pumpkin, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Penns' Manor Canning Co., Bristol, Pa., on or about November 9, 1930, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Penns' Manor Brand \* \* \* Pumpkin Packed by Penns' Manor Canning Co. Bristol, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 11, 1931, 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.*

**18552. Adulteration and misbranding of canned grapefruit juice and canned orange juice. U. S. v. 369 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation. Products released under bond. (F. & D. Nos. 26230, 26239. I. S. Nos. 11118, 11119, 11120. S. Nos. 4548, 4555.)**

Examination of samples of canned grapefruit juice and canned orange juice from the shipments herein described having shown that the articles contained added sugar, also that the cans contained less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On April 13 and April 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 369 cases of canned grapefruit juice and 74 cases of canned orange juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by the Orlando Canning Co. (Inc.), from Jacksonville, Fla., on or about February 8, 1931, and had been transported from the State of Florida into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The grapefruit juice was labeled in part: (Can) "Heart of Florida Brand Fancy Florida Grapefruit Juice. Contents 20 Fluid Oz. or 567 Grams [or "Contents 11 Fluid Oz. or 312 Grams"] Packed by Orlando Canning Co., Inc.,

Orlando, Fla." The orange juice was labeled in part: (Can) "Heart of Florida Brand Pure Florida Orange Juice Contents 11 Fl. Oz. [or "Contents 10½ Fl. Oz."]. \* \* \* Packed by Orlando Canning Co., Inc., Orlando, Fla."

It was alleged in the libels that the articles were adulterated in that grapefruit juice with added sugar, or orange juice with added sugar, as the case might be, had been substituted for the said articles.

Misbranding was alleged for the reason that the statements on the labels, to wit, "Grapefruit Juice, \* \* \* Contents 20 Fl. Oz." or "Grapefruit Juice, \* \* \* Contents 11 Fl. Oz.," with respect to the said grapefruit juice, and the statements, "Pure \* \* \* Orange Juice Contents 11 Oz." or "Pure \* \* \* Orange Juice Contents 10½ Fl. Oz.," with respect to the orange juice, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that they were food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantities stated on the labels were incorrect.

On April 18 and April 24, 1931, the Orlando Canning Co. (Inc.), Orlando, Fla., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that they be relabeled so as to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18553. Adulteration of butter. U. S. v. 56 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26425. I. S. No. 11498. S. No. 4447.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Klamath Falls Creamery, Klamath Falls, Oreg., alleging that the article had been shipped from Klamath Falls, Oreg., on or about March 2, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Crater Lake Butter Oregon Creamery Butter Manufactured by Klamath Falls Creamery, Klamath Falls, Oregon."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On May 25, 1931, the Klamath Falls Creamery, Klamath Falls, Oreg., claimant, having admitted the allegations of the libel 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be made to conform to the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18554. Adulteration and misbranding of frozen eggs. U. S. v. 434 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond. (F. & D. No. 26222. I. S. No. 28341. S. No. 4540.)**

Examination of samples of canned frozen eggs from the shipment herein described having shown that the article contained added undeclared sugar, and that the label failed to declare the quantity of the contents of the cans, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 434 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the McDougall Terminal Warehouse