

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]

20401-20550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 6, 1934]

20401. Adulteration of canned tomato catsup. U. S. v. 347 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28255. I. S. no. 53688. S. no. 6115.)

This action was based on the shipment of a quantity of canned tomato catsup, samples of which were found to contain excessive mold.

On April 29, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 347 cases of tomato catsup, remaining in the original unbroken packages at Tyler, Tex., alleging that the article had been shipped in interstate commerce, on or about November 24, 1931, by the Currie Canning Co., from Grand Junction, Colo., to Tyler, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Colorado Columbine Brand Tomato Catsup Packed by the Currie Canning Co., Grand Junction, Colorado."

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

On October 14, 1932, 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. G. TUGWELL, *Acting Secretary of Agriculture.*

20402. Misbranding of butter. U. S. v. William Louis Korter (Idaho Dairy Products Co.). Plea of guilty to count 2. Count 1 dismissed. Fine, \$100. (F. & D. no. 27465. I. S. no. 12522.)

This action was based on the interstate shipment of a quantity of butter which was not properly labeled to indicate the quantity of the contents, since samples taken from the shipment were found to contain less than 16 ounces, the amount declared on the label.

On November 17, 1931, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William Louis Korter, trading as the Idaho Dairy Products Co., Moscow, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 8, 1931, from the State of Idaho into the State of Washington, of a quantity of butter that was misbranded. The article was labeled in part: "Idaho State Creamery Butter 16 Ounces Net When Packed * * * Moscow Brand Made by The Moscow Creamery, Moscow, Idaho."

It was alleged in count 1 of the information that the article was misbranded in that the statement "16 Ounces Net", borne on the packages, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the packages did not contain 16 ounces net, but did contain a less amount. Misbranding was alleged in count 2 of the information for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 10, 1932, the defendant entered a plea of guilty to count 2 of the information, and the court imposed a fine of \$100. Count 1 of the information was dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20403. Adulteration of apples. U. S. v. 200 Bushels, et al., of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29570, 29641, 29642, 29643, 29644, 29654. Sample nos. 28391-A, 28392-A, 28395-A, 28396-A, 28406-A, 29911-A, 29941-A.)

These actions involved the interstate shipment of quantities of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about November 4, November 21, November 23, and November 30, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 498 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments, as follows: 312 bushels by A. Sugar, from South Haven, Mich., on October 21 and October 25, 1932; 20 bushels by A. Sugar, from Whiting, Ind., on October 12, 1932; 100 bushels by the Kelder Brokerage Co., from South Haven, Mich., on October 15, 1932; 58 bushels by Henry Wendzel, from Caloma, Mich., on October 5, 1932; and 8 bushels by Reuben Wendzel, from Caloma, Mich., on October 12, 1932; that the articles had been transported from the States of Michigan and Indiana into the State of Illinois, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

A. Sugar, Whiting, Ind., appeared and filed a claim and answer admitting the allegations of the libels and consenting to the entry of a decree. On December 8, 1932, the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered.

The court having found that the product might be washed so that it could be sold without violation of the law, ordered that it might be released to the claimant to be washed to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20404. Adulteration of apples. U. S. v. 243 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29575. Sample no. 30003-A.)

This action involved a shipment of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about November 7, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 243 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1932, by William Hamlin, from Glenn, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On January 5, 1933, William Hamlin, Glenn, Mich., 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 said claimant to be washed in order to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$200, conditioned that the apples should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*