N. J., F. D. 24801–24825

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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]

24801–24825

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 23, 1936]

24801. Adulteration of dried peaches and dried mixed fruit, and adulteration and misbranding of dried apples. U. S. v. California Prune & Apricot Growers Association. Plea of guilty. Fine, $475. (F. & D. no. 31377. Sample nos. 166–A, 7133–A, 7134–A, 22815–A, 44480–A, 44481–A, 44490–A, 45371–A, 51622–A, 57321–A, 57322–A.)

This case was based on shipments of dried peaches and dried mixed fruits which were in part moldy, insect-infested, dirty, or decayed, and a shipment of dried apples which contained excessive moisture.

On September 26, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Prune & Apricot Growers Association, a corporation, San Jose, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 21, 1932, from the State of California into the State of Texas of a quantity of dried apples which were adulterated and misbranded, and on or about March 14, September 15, October 7, and November 10, 1933, from the State of California into the States of Alabama, Pennsylvania, New York, and Maryland, respectively, of quantities of dried peaches and dried mixed fruits which were adulterated. Portions of the articles were labeled in part: "Packed by California Prune & Apricot Growers Ass'n * * * San Jose California." One lot of dried peaches was labeled in part: "Yellow Ribbon Brand Yellow Peaches * * * California Peach & Fig Growers Assn Fresno, Calif."

The dried apples were alleged to be adulterated in that apples insufficiently evaporated had been substituted for dried apples which the article purported to be. Adulteration of the dried peaches and dried mixed fruit was alleged in that the articles consisted in part of filthy vegetable and animal substances.

Misbranding of the dried apples was alleged for the reason that the statement "Dried Apples", borne on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of dried apples, i. e., evaporated apples, but consisted of insufficiently evaporated apples. Misbranding of the dried apples was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, dried apples.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $475.

W. R. GREGG, *Acting Secretary of Agriculture.*

24802. Misbranding of canned black raspberries. U. S. v. Hunt Bros. Packing Co. Plea of guilty. Fine, $250. (F. & D. no. 32100. Sample no. 32269–A.)

Sample cans of black raspberries taken from the shipment involved in this case were found to contain less than 6 pounds 7 ounces, the amount declared on the label.

On January 22, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hunt Bros. Packing Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 9, 1933, from the State of California into the State of New York of a quantity of canned black raspberries which were misbranded. The article was labeled in part: "White Top Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co. Inc. Distributors New York."

The article was alleged to be misbranded in that the statement "Contents 6 Lbs. 7 Oz.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 6 pounds 7 ounces of the article, but did contain a less amount. Misbranding was alleged for the further 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.

On June 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $250.

W. R. GREGG, *Acting Secretary of Agriculture.*

24803. Adulteration of butter. U. S. v. Alliance Creamery Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. no. 32148. Sample no. 38575–A.)

This case was based on a shipment of butter that was deficient in milk fat.

On August 10, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alliance Creamery Co., a corporation, Alliance, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about June 29, 1933, from the State of Nebraska into the State of California of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On September 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24804. Misbranding of canned boneless chicken. U. S. v. Elmwood Farm Co. Plea of nolo contendere. Fine, $10. (F. & D. no. 32163. Sample no. 55507–A.)

This case was based on an interstate shipment of canned boneless chicken which was short weight.

On August 11, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elmwood Farm Co., a corporation, North Leominster, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of Massachusetts into the State of Pennsylvania of a quantity of canned boneless chicken which was misbranded. The article was labeled in part: (Jar) "Elmwood Farm Boneless Chicken Net Weight 11 Oz. Packed by Elmwood Farm Co. North Leominster, Mass."

The article was alleged to be misbranded in that the statement on the jar label, "Net Weight 11 Oz.", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars did not each contain 11 ounces of the article but did contain less than 11 ounces. Misbranding was alleged for the further 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 was incorrect, some of the packages containing not more than 9.84 ounces and the average net weight of all packages examined being not more than 10.18 ounces.

On July 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. GREGG, *Acting Secretary of Agriculture.*