

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]

25526-25550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 9, 1936]

25526. Supplement to notice of judgment no. 24874. U. S. v. 1,159 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond. (F. & D. no. 35423. Sample no. 31818.)

On October 10, 1935, the default decree of condemnation and destruction entered on September 5, 1935, was vacated and an order was entered permitting F. E. Booth Co., Inc., the claimant, to intervene. On May 7, 1936, the claimant having filed an answer admitting the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, for salvaging of the good portion.

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

25527. Adulteration of dressed poultry. U. S. v. Louis Weinberg. Plea of guilty. Fine, \$25. (F. & D. no. 29363. I. S. no. 44088.)

This article consisted in part of dressed poultry that was unfit for food.

On May 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Weinberg, Chicago, Ill., alleging shipment by him in violation of the Food and Drugs Act as amended, on or about November 10, 1931, from Minneapolis, Minn., to Chicago, Ill., of two barrels of dressed poultry that was adulterated. The article was labeled in part: (Barrel) "Canned Chix 99 Chix 202-19."

Adulteration of the article was charged (a) under the allegation that it consisted in part of animals that were unfit for food; and (b) under the allegation that the article, in part, was a product of diseased animals.

On November 15, 1935, a plea of guilty having been entered, a fine of \$25 was imposed.

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

25528. Alleged misbranding of cheese. U. S. v. Kraft-Phenix Cheese Corporation. Trial to court without a jury. Verdict for defendant. (F. & D. no. 29456. I. S. no. 48649.)

The contents of the packages of this article were alleged to be short in weight.

On February 2, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, New York, N. Y., alleging shipment by it in violation of the Food and Drugs Act as amended, on February 3, 1932, from New York, N. Y., to East Hartford Conn., of numerous packages of cheese, and charging misbranding. The article was labeled in part: (Package) "Kraft Phenix Kraft Process Cheese American Pasteurized ½ Pound Net Weight * * * Kraft-Phenix Cheese Corporation, General Offices, Chicago."

Misbranding of the article was charged (a) under the allegations that the packages bore the statement, to wit, "½ Pound Net Weight"; that each of the packages contained an amount less than one-half pound; that the said statement was false and misleading; (b) under the allegation that the article was