

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]

29301-29425

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 28, 1938]

29301. Adulteration of apple butter. U. S. v. 74 Cases, 34½ Cartons, and 49½ Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. Nos. 41476, 41477, 41478. Sample Nos. 45059-C, 45060-C, 45061-C.)

This product contained worm and insect fragments and mites.

On January 21, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 158 cases and cartons of apple butter at Sacramento, Calif.; alleging that the article had been shipped in interstate commerce in part on or about May 7, 1937, by Preserves & Honey, Inc., and in part on or about July 30, 1937, by Hecker Products Corporation from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H & H Brand Pure Apple Butter * * * Preserves & Honey Inc. [or "Hecker Products Corporation"] New York, N. Y."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29302. Adulteration of crab meat. U. S. v. O. R. Mills Fisheries, Inc., and Otis R. Mills. Plea of nolo contendere. Judgment of guilty. Fine, \$40 on first count. Imposition of sentence on second, third, and fourth counts suspended. (F. & D. No. 40764. Sample Nos. 48207-C, 48209-C, 48210-C, 48217-C.)

Samples of this product were found to contain evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against O. R. Mills Fisheries, Inc., Seaford, Va., and Otis R. Mills, an officer of the corporation, alleging shipment by said defendants within the period from on or about July 20 to on or about July 28, 1937, from the State of Virginia into the States of Pennsylvania and Delaware, of quantities of crab meat that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy animal substance.

On May 12, 1938, a plea of nolo contendere having been entered on behalf of the defendants, the court entered judgment of guilty and imposed a fine of \$40 and costs on the first count. Imposition of sentence on the remaining counts was suspended for a period of 3 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*