

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]

30801-30875

FOODS

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 3, 1939]

30801. Misbranding of butter. U. S. v. 365 Boxes of Butter. Consent decree of condemnation. Product released under bond for relabeling or re-printing. (F. & D. No. 42042. Sample No. 16943-D.)

This product was short weight.

On March 3, 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 a libel praying seizure and condemnation of 365 boxes of butter at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about February 18, 1938, by the Fulton Butter & Egg Corporation from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Butter * * * 60 lb. Net Weight"; (prints) "One lb. Net."

It was alleged to be misbranded in that the declared net weights were false and misleading and tended to deceive or mislead the purchaser.

On March 17, 1938, the Fulton Butter & Egg Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled or reprinted under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

30802. Adulteration of frozen fish. U. S. v. 791 Boxes of Frozen Fish (and 10 other seizure actions against similar products). Default decrees of condemnation. Portions of products ordered destroyed; remainder ordered converted into fertilizer. (F. & D. Nos. 43993, 44750, 45026, 45230, 45276, 45290, 45293, 45301, 45304, 45305, 45363, 45441. Sample Nos. 29131-D, 29133-D, 32395-D, 43199-D, 47300-D, 48882-D, 49153-D, 55301-D, 55302-D, 55323-D, 55335-D, 62570-D, 65207-D, 65244-D.)

These products had been shipped in interstate commerce and remained unsold in the original packages. At the time of examination, certain lots were in part decomposed, others contained parasitic worms, and in one lot both conditions were found.

Between the dates of September 22, 1938, and June 1, 1939, the United States attorneys for the Southern District of Georgia, the District of Massachusetts, Northern District of Indiana, Southern District of Indiana, Northern District of Illinois, Western District of Pennsylvania, Eastern District of Louisiana, Western District of Michigan and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following lots of fish: 791 boxes at Augusta, Ga., 61 boxes at Boston, Mass., 1,058 boxes at Fort Wayne, Ind., 168 boxes at Indianapolis, Ind., 40 cartons at Chicago, Ill., 17 boxes at Pittsburgh, Pa., 15 boxes at New Orleans, La., 69 boxes and 48 cartons at Grand Rapids, Mich., and 100 boxes at Washington, D. C. The libels alleged that the articles had been shipped within the period from on or about September 9, 1938, to on or about May 12, 1939, from Boston, Mass., Vinalhaven, Maine, and Manchester, N. Y., under the following names—Forty Fathom Fisheries, Forty Fathom Fisheries, Division of Bay State Fishing Co., Forty Fathoms, Fathom Fish, Inc., Forty Fathom Fish, Inc., and Forty Fathom Fish Co.; and charged adulteration in violation of the Food and Drugs Act. Certain lots were labeled variously in part: "Forty Fathom Brand Fillets * * * Ocean Perch Cello," "Freshly

Chilled Fillets * * * Forty Fathom Fish," "Cape Anne Ocean Perch," "Whiting Fillets Skins On * * * Seafresh * * * Packed by General Seafoods Corporation," "Stk. Dr. Whiting * * * Cold Seal Fillets," "Blue Ribbon Fancy Skinless Fillets General Seafoods Corporation," "Butterfly Whiting Fillets * * * Packed By Gorton-Pew Fisheries Co. Ltd."

The libels alleged that the articles were adulterated in that portions consisted in whole or in part of filthy animal substances; others consisted in whole or in part of decomposed animal substances; one lot consisted in whole or in part of a filthy and decomposed animal substance; and one lot consisted in whole or in part of a decomposed and putrid animal substance.

Between the dates of April 12, 1939, and July 5, 1939, the Forty Fathom Fisheries, claimant for the lot seized at Augusta, Ga., having withdrawn its claim and no claimant having appeared in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed, with the exception of the lot seized at Chicago, Ill., which was ordered converted into fertilizer.

M. L. WILSON, *Acting Secretary of Agriculture.*

30803. Adulteration of frozen fish. U. S. v. 1,253 Cases of Frozen Fillets (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44743, 44966, 44967, 44968. Sample Nos. 31106-D, 49734-D, 49735-D, 49737-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed. Certain lots were also found to be infested with parasitic worms.

On January 28 and March 10, 1939, the United States attorneys for the District of Colorado and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,253 cases of perch fillets at Pueblo, Colo., and 147 cases of perch fillets at Dallas, Tex., consigned by the General Seafoods Corporation; alleging that the articles had been shipped from Boston, Mass., within the period from on or about June 11, 1938, to on or about February 14, 1939; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Product of Beacon Fisheries Frozen Fillets Division of Bay State Fish Co., Boston, Mass." The remainder was labeled in part: "Ocean Perch Fillets."

The libels alleged adulteration in that a portion of the article consisted in whole or in part of a decomposed animal substance and the remainder consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 8 and May 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30804. Adulteration of flour. U. S. v. 16 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44712. Sample No. 62507-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On January 25, 1939, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 sacks of flour at Gulfport, Miss.; alleging that the article had been shipped on or about November 1, 1938, by the Dixie Portland Flour Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed for Baltic Mills, Vincennes, Ind., Snowdrift * * * Self-Rising Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On July 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30805. Adulteration and misbranding of lemon extract. U. S. v. Nine Cases of Lemon Extract. Default decree of condemnation and destruction. (F. & D. No. 44705. Sample No. 28190-D.)

This product was an artificially colored imitation lemon extract that was deficient in lemon oil.