

11018. Adulteration and misbranding of potatoes. U. S. v. 403 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16807. I. S. Nos. 3890-v, 3891-v. S. No. C-3802.)

On or about September 8, 1922, 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 said district a libel for the seizure and condemnation of 403 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped by the Monmouth County Farmers' Exchange, from Howell, N. J., August 23, 1922, and transported from the State of New Jersey into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Triangle Brand U. S. Grade No. One 150 Lbs. Net Packed by the Monmouth County Farmers Exchange. Freehold, N. J."

It was alleged in substance in the libel that the article had been transported in violation of the said act, in that potatoes of lower grade than designated had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted in part for Grade No. 1 potatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the sacks containing the article, "U. S. Grade No. One," was false and misleading and deceived and misled the purchaser, since the said product did not meet the requirements of United States Grade No. 1 potatoes.

On September 12, 1922, the Monmouth County Farmers' Exchange, claimant, having admitted the allegations of the libel and 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 the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be relabeled under the supervision of this department by eliminating the words, "U. S. Grade No. One," from each of the said sacks.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11019. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F & D. No. 16791. I. S. No. 3932-v. S. No. C-3780.)

On or about August 18, 1922, 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 said district a libel for the seizure and condemnation of 10 cases of eggs at Chicago, Ill., alleging that the article had been shipped by J. A. Silver & Co., Stockport, Iowa, August 10, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 20, 1922, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11020. Misbranding of peaches. U. S. v. Combination Orchard Co., a Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 12472. I. S. No. 7590-r.)

On July 29, 1920, 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 said district an information against the Combination Orchard Co., a corporation, trading at Winona, Tex., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about July 15, 1919, from the State of Texas into the State of Illinois, of a quantity of peaches which were misbranded. The article was labeled in part: "Grown by Combination Orchard Co. Winona, Smith County, Texas. Peaches."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 31, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

C. F. MARVIN, *Acting Secretary of Agriculture.*