

On April 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

**12441. Adulteration and misbranding of potatoes. U. S. v. 19 Hampers of Potatoes. Default decree ordering destruction of product.** (F. & D. No. 17481. I. S. No. 5467-v. S. No. C-3971.)

On April 30, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 hampers of potatoes remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Hi-Ball Celery & Vegetable Co., Chicago, Ill., April 21, 1923, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Hi-Ball C. & V. Co. Chicago," and was invoiced, "20 Hprs New Potatoes."

Adulteration of the article was alleged in the libel for the reason that old potatoes had been substituted wholly or in part for new potatoes, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 16, 1923, no claimant having appeared for the property and the United States attorney having filed an affidavit to the effect that the product was decomposed, it was ordered by the court that the said product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

**12442. Misbranding of oil. U. S. v. 20 Cans, et al., of Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 17476. I. S. Nos. 1835-v, 1839-v, 1840-v. S. No. E-4371.)

On April 26, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cans of oil, at Manchester, N. H., alleging that the article had been shipped by the Aeolian Importing Corp. from Boston, Mass., on or about March 14, 1923, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Adriatic Brand Superior Quality Oil \* \* \* Net Contents One Gallon" (or "Net Contents one Quart"). The remainder of the said article was labeled in part: "Extra Fine Oil \* \* \* Splendor Brand Vegetable Oil \* \* \* Net Contents 1 Gallon."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents One Quart," and "Net Contents 1 Gallon," appearing on the labels of the respective-sized cans containing the article, were false and misleading in that they represented that the said cans contained 1 gallon net or 1 quart net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon net or 1 quart net, as the case might be, whereas, in truth and in fact, the said cans did not contain 1 gallon or 1 quart, as the case might be, of the said article, but did contain less amounts. 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 quantities stated were not correct.

On July 24, 1923, 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 sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*