

13077. Adulteration and misbranding of orange smash concentrate. U. S. v. 100 Gallons Orange Smash Concentrate. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19010. I. S. Nos. 2497-v, 2498-v. S. No. E-3940.)

On or about September 26, 1924, the United States attorney for the Western District of Pennsylvania, 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 100 gallons of orange smash concentrate, at Pittsburgh, Pa., alleging that the article had been shipped by the Orange Smash Co., from Birmingham, Ala., in part on or about July 29, 1924, and in part on or about August 1, 1924, and transported from the State of Alabama into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping tag) "From Orange Smash Company Birmingham, Alabama Orange Smash" (design of oranges) "1 Barrel Concentrate Contains Oil Of Ripe Oranges Sugar and Water."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Orange Smash" and the design of oranges, appearing on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of another article.

On September 26, 1924, the Orange Smash Co., Birmingham, Ala., having appeared as claimant for the property and having admitted the allegations of the libel, an order of the court was entered, permitting the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

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

13078. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19538. I. S. No. 19099-v. S. No. C-4624.)

On January 27, 1925, 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 praying the seizure and condemnation of 240 sacks of potatoes, at Chicago, Ill., alleging that the article had been shipped by J. R. Beggs & Co., from Dallas, Wis., January 17, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "U. S. Grade No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling "United States Grade No. 1" was false and misleading and deceived and misled the purchaser, since the said article did not meet the requirements of United States Grade No. 1 potatoes.

On January 28, 1925, Bacon Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having 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 it be relabeled by eliminating the words "U. S. Grade No. 1" from the sacks under the supervision of this department.

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

13079. Adulteration of canned blueberries. U. S. v. 4½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18538. I. S. No. 15368-v. S. No. E-4742.)

On May 7, 1924, the United States attorney for the District of Vermont, 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 4½ cases of blueberries, at Burlington, Vt., consigned by E. M. Frye Packing Co., Harrington, Me., about September 20, 1923, alleging that the article was being shipped from the State of Maine into the State of Ver-