

13093. 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. 19508. I. S. No. 19095-v. S. No. C-4610.)

On January 15, 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, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Christenson & Nelson, from Waupaca, Wis., January 5, 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: "United States Grade No. 1 150 Pounds When Packed."

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 product did not meet the requirements of United States Grade No. 1 potatoes.

On January 16, 1925, Christenson & Nelson, Waupaca, Wis., claimant, 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 the words "U. S. Grade No. 1" be eliminated from the label and the words "Containing 30% of hollow hearts and other blemishes" be added thereto.

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

13094. 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. 19510. I. S. No. 19096-v. S. No. C-4612.)

On January 15, 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, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Tom Nelson, from Ridgeland, Wis., January 10, 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: (Tag) "United States Grade No. 1 Potatoes."

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

On January 16, 1925, Christenson & Nelson, Waupaca, Wis., claimant, 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" and adding the words "Containing 30% of hollow hearts and other blemishes."

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

13095. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19512. I. S. No. 19097-v. S. No. C-4613.)

On January 17, 1925, the United States attorney for the Southern District of Ohio, 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 Cincinnati, Ohio, consigned by Leonard, Crosset & Riley, from Dallas, Wis., January 9, 1925, alleging that the article had been shipped from Dallas, Wis., and transported from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. No. 1," appearing in the labeling, was false and misleading and deceived and misled the purchaser.