

**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.

On January 22, 1925, Leonard, Crosset & Riley, Cincinnati, Ohio, having appeared as claimant for the property, 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 labeling be removed, particularly the part with reference to the grade.

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

**13096. Adulteration of chestnuts. U. S. v. 21 Barrels, et al., of Chestnuts. Default decrees entered, ordering product destroyed.** (F. & D. Nos. 19212, 19360. I. S. Nos. 19843-v, 19844-v, 19845-v. S. Nos. C-4549, C-4561.)

On November 29 and December 5, 1924, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 barrels of chestnuts, at Cincinnati, Ohio, consigned by the Royal Fruit Co., New York, N. Y., in part November 15 and in part November 20, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 2 and 9, 1925, respectively, no claimant having appeared for the property, and the product having become so far decomposed as to constitute a nuisance, decrees of the court were entered, ordering its destruction by the United States marshal.

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

**13097. Adulteration and misbranding of assorted jellies. U. S. v. 9 Cases of Assorted Jellies, et al. Decree entered, ordering products released under bond to be relabeled.** (F. & D. No. 18605. I. S. Nos. 15085-v, 15086-v, 15087-v, 15088-v, 15089-v, 15090-v, 15091-v. S. No. E-4812.)

On April 21, 1924, the United States attorney for the District of Maryland, 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 9 cases of assorted jellies and 3 cases of grape and apple jellies, remaining in the original unbroken packages at Baltimore, Md., consigned February 4, 1924, alleging that the articles had been shipped by the American Preserve Co. (Inc.), from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) Pure Jelly \* \* \* With Fruit Pectin The American Preserve Co. Philadelphia, Pa. \* \* \* "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," or "Apple and Raspberry."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, pectin jelly deficient in fruit, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality, and for the further reason that a substance, to wit, pectin jelly, had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements, viz, "Pure Jelly," "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," "Apple and Raspberry," as the case might be, appearing on the said labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of or offered for sale under the distinctive names of other articles.

On May 23, 1924, the American Preserve Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that they not be sold or disposed of until they had been properly labeled.

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