

13716. Adulteration of canned cut beans. U. S. v. 122 Cases and 601 Cases of Cut Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19462, 19463. I. S. Nos. 6259-v, 6260-v. S. Nos. C-4600, C-4601.)

On January 3, 1925, the United States attorney for the Northern District of Texas, 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 723 cases of canned cut beans, remaining in the original packages at Dallas, Tex., consigned by Appleby Bros., Fayetteville, Ark., alleging that the article had been shipped in part from Hiwasse, Ark., on or about August 4, 1924, and in part from West Fork, Ark., on or about August 22, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Western Star Brand Cut String Beans Put Up By Appleby Bros. Fayetteville, Ark." The remainder of the said article was labeled in part: "Cut Beans."

It was alleged in the libel filed with respect to 601 cases of the product that it was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance. It was alleged in the libel filed with respect to the remainder of the product that it was decomposed and adulterated in violation of paragraph 6 section 7 of the said act.

On or about August 4, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

13717. Misbranding of potatoes. U. S. v. 260 Sacks and 260 Sacks of Potatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19386, 19396. I. S. Nos. 19942-v, 19948-v. S. Nos. C-4572, C-4578.)

On December 16 and 18, 1924, respectively, the United States attorney for the Eastern District of Louisiana, 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 520 sacks of potatoes, remaining unsold in the original packages at New Orleans, La., alleging that the article had been shipped by the Michigan Potato Growers Exchange, in part from Sidney, Mich., on or about November 25, 1924, and in part from Remus, Mich., on or about November 26, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chief Petoskey U. S. No. 1 * * * Distributed By Michigan Potato Growers Exchange, Cadillac, Mich."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. No. 1," borne on the labels, was false and misleading and deceived and misled the purchaser.

On June 20, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

13718. Misbranding of olives. U. S. v. 176 Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18804. I. S. Nos. 18177-v, 18178-v, 18179-v. S. No. C-4031.)

On June 26, 1924, the United States attorney for the Northern District of Texas, 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 176 jars of olives, remaining in the original packages at Corsicana, Tex., consigned by R. C. Chance's Sons, Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about November 17, 1923, and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Chance's Olives * * * Imported And Packed By R. C. Chance's Sons, Philadelphia, U. S. A." The remainder of the said article was labeled in part: "Penn Club Brand Imported & Packed By R. C. Chance's Sons Philadelphia, Pa., U. S. A." The article was stamped indistinctly with rubber stamp: "6 Oz. Net" or "4 Oz. Net."

Misbranding of the article was alleged in the libel for the reason that the statements "6 Oz. Net" or "4 Oz. Net," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.