

Misbranding of portions of the article was alleged for the reason that the statement, "Butter", on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21052. Adulteration of dried peaches. U. S. v. 50 Cases of Dried Peaches. Default decree of destruction entered. (F. & D. no. 29999. Sample no. 22815-A.)**

This case involved a shipment of dried peaches that were insect-infested.

On April 12, 1933, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of dried peaches at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on March 2, 1933, by the California Prune & Apricot Growers Association, from Reedley, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Brand Yellow Peaches Prepared with Sulphur Dioxide California Peach and Fig Growers Association, Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 24, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21053. Misbranding of potatoes. U. S. v. 255 Sacks of Potatoes. Decree ordering product destroyed unless properly relabeled. (F. & D. no. 30507. Sample no. 39002-A.)**

This case involved a shipment of potatoes, sample sacks of which contained less than 100 pounds, the declared weight.

On May 24, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 255 sacks of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Terrebonne Cooperative Association, from Houma, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Louisiana Triumphs, 100 lbs. net when packed Houma Brand, Grown and packed by Terrebonne Cooperative Association, Houma, La."

It was alleged in the libel that the article was misbranded in that the statement on the label, "100 lbs. net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 26, 1933, the Terrebonne Cooperative Association, Houma, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the property be destroyed unless the claimant pay costs of the proceedings, and file in court a statement within 10 days, signed by a representative of this Department, showing that the sacks had been relabeled to show the correct weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21054. Misbranding of potatoes. U. S. v. 266 Sacks of Potatoes. Consent decree of destruction. (F. & D. no. 30540. Sample no. 39005-A.)**

This case involved a shipment of potatoes in sacks which were not labeled with a statement of the quantity of the contents, as required by law.

On May 29, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 sacks of potatoes at Memphis, Tenn., alleging that the article had been shipped by the Terrebonne Cooperative Association, from the State of Louisiana into the State of Tennessee, on or about May 18, 1933, and charging misbranding in violation of

the Food and Drugs Act as amended. The article was labeled, "Unclassified."

It was alleged in the libel that the article was misbranded in 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 June 10, 1933, the owner of the product having consented to the destruction of the potatoes, since they were in a decaying condition, judgment was entered ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21055. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 30479. Sample no. 35616-A.)**

This case involved a shipment of potatoes, sample sacks of which were found to contain less than 100 pounds, the declared weight.

On May 19, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of potatoes at Beatrice, Nebr., alleging that the article had been shipped in interstate commerce, on or about May 12, 1933, by Emil (Erwin) Wiederstein, from Convict Camp Switch, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Texas New Potatoes, 100 lbs. net weight when packed."

It was alleged in the libel that the article was misbranded in that the statement, "100 lbs. net weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and was not plainly and conspicuously marked on the outside of the package in terms of weight.

On May 31, 1933, Erwin Wiederstein, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered adjudging the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned that it be relabeled to show the true weight or resacked to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21056. Misbranding of potatoes. U. S. v. 175 Sacks of Potatoes. Default decree of condemnation and destruction. (F. & D. no. 30418. Sample no. 35602-A.)**

This action involved a shipment of potatoes, sample sacks of which contained less than 50 pounds, the declared weight.

On May 5, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 sacks of potatoes at Salina, Kans., alleging that the article had been shipped in interstate commerce, on or about April 28, 1933, by Alexander Marketing Co., from San Benito, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New Triumph Potatoes \* \* \* Net Weight 50 Lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statement, "50 Lbs. when packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 2, 1933, no claimant having appeared for the property, and the potatoes having spoiled and become unfit for use, judgment of condemnation was entered and it was ordered by the court that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21057. Adulteration and misbranding of salad oil. U. S. v. 4 Boxes of Oil, et al. Default decree of destruction. (F. & D. nos. 30043, 30419, 30420. Sample nos. 31976-A, 31992-A, 31993-A, 31994-A.)**

These cases involved various lots of oil labeled to convey the impression that it was olive oil of foreign origin. Examination showed that the article consisted principally of cottonseed oil containing a small amount of olive oil. Certain lots also were artificially colored and flavored.