

City, Idaho (billed at Jerome, Idaho), and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Three Star Brand Idaho Potatoes Packed in Idaho by the Idaho Sales Co., Kimberly, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "U. S. No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be distributed to charitable institutions.

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

**22539. Adulteration and misbranding of canned succotash. U. S. v. 43% Cartons of Canned Succotash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32571. Sample no. 67855-A.)**

Examination of the product in this case showed that some of the cans contained soaked dry lima beans instead of fresh lima beans and that the cans were badly corroded and the product had a strong metallic flavor.

On April 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43% cartons of canned succotash at Orangeburg, N. Y., alleging that the article had been packed by the Frederick City Packing Co., Frederick, Md., and had been shipped in interstate commerce on or about February 17, 1934, from Frederick, Md., by Edwin Smithson Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Es-Co-Ny Selected Full Flavored Succotash \* \* \* Tasty fresh Lima Beans \* \* \* Edwin Smithson Company, Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that metallic substances had been mixed and packed with it so as to reduce or lower or injuriously affect its quality.

Misbranding was alleged for the reason that the statements on the label, "Selected Full Flavored Succotash" as applied to succotash of metallic flavor, and "Tasty fresh Lima Beans", as applied to succotash made in part of soaked dry lima beans, were false and misleading and tended to deceive and mislead the purchaser.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**22540. Adulteration of evaporated apples. U. S. v. 195 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32595. Sample no. 61819-A.)**

This case involved a shipment of evaporated apples that were insect-infested, moldy, and dirty.

On April 26, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 boxes of evaporated apples at San Antonio, Tex., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by Rosenberg Bros. Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On May 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**22541. Misbranding of canned cherries. U. S. v. 310 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32605. Sample nos. 68243-A, 68254-A.)**

This case involved a product represented to be pitted cherries which fell below the standard established by this Department because of the presence of excessive pits and which was not labeled to indicate that it was substandard.