

**28207. Adulteration of Brazil nuts. U. S. v. 17 Bags, 80 Bags, and 12 Bags of Brazil Nuts. Decree of condemnation. Product released under bond.** (F. & D. Nos. 40684, 40862, 40863, 40864. Sample Nos. 62587-C, 62597-C to 62599-C, incl.)

Samples of this product were found to be moldy, rancid, or decomposed.

On November 6 and 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 109 bags of Brazil nuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 30 and October 5 and 26, 1937, by Wm. A. Higgins & Co. from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taste Best [or "New Crop Holly"] Brand."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 24, 1937, Wm. A. Higgins & Co., Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28208. Adulteration and misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40675. Sample No. 43537-C.)

This product was represented to be U. S. Grade No. 1 potatoes, but was below the grade stated on the label.

On November 3, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of potatoes at Columbus, Ohio, alleging that they had been shipped in interstate commerce on or about October 26, 1937, from Millbrook, Mich., by C. H. Runciman, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Runciman Lowell Brand Michigan Potatoes U. S. Grade No. 1 C. W. Runciman Lowell Mich."

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which it purported to be.

Misbranding was alleged in that the statement, "U. S. Grade No. 1," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On November 8, 1937, C. H. Runciman, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28209. Adulteration and misbranding of Olorine. U. S. v. 6 Tins and 2 Cans of Olorine. Default decree of condemnation and destruction.** (F. & D. No. 40419. Sample Nos. 56529-C, 56530-C.)

This product purported to be a pure vegetable product but contained mineral oil.

On October 2, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six tins and two cans of Olorine at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about February 18 and March 19, 1937, from New York, N. Y., by Hy-Score Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Hy-Score Brand Olorine A pure vegetable product \* \* \* Mfg'd By Hy-Score Products, Inc. New York, N. Y."

The article was alleged to be adulterated in that mineral oil having no food value had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength and had been substituted for the article, which purported to be a food, as indicated by the directions for use.

Misbranding was alleged in that the statement borne on the label, "a pure vegetable product," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained mineral oil, since mineral oil is not a vegetable product.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*