

Misbranding of the article was alleged in the libel for the reason that the statement "Potatoes U. S. No. 1" was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the statement "U. S. No. 1" be obliterated from the labels, and the statement "Potatoes Containing 23% hollow hearts and other blemishes" be added thereto.

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

13126. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19397, 19406, 19411. I. S. Nos. 19947-v, 22673-v, 22702-v. S. Nos. C-4577, C-4582, C-4589.)

On December 15, 19, and 20, 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 780 sacks of potatoes, at New Orleans, La., alleging that the article had been shipped by McClintock & Co., in part on or about December 1, 1924, from Crapo, Mich., and in part on or about December 5, 1924, from Ewart, Mich., 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: (Tag) "Michigan U. S. Grade No. 1."

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

On December 20, 1924, R. F. Meyer & Co. having appeared as claimant for 260 sacks of the product, and McClintock & Co., Tustin, Mich., having appeared as claimant for 520 sacks of the said product, and said claimants having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$590, in conformity with section 10 of the act, said bonds being conditioned in part that the statement "U. S. No. 1" be obliterated from the labels and the product be relabeled "Potatoes containing 33%" (or "24%" or "30%"), as the case might be, "Hollow Hearts and Other Blemishes."

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

13127. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19372, 19374, 19375, 19385, 19404, 19405. I. S. Nos. 19937-v, 19940-v, 19941-v, 19945-v, 22672-v, 22674-v. S. Nos. C-4564, C-4566, C-4567, C-4575, C-4581, C-4583.)

On December 9, 10, 16, and 19, 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 1,560 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Michigan Potato Growers Exchange in various consignments, from Tustin, Falmouth, Edmore, and Ellsworth, Mich., respectively, between the dates of November 19 and December 7, 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: (Sack) "Chief Petoskey Potatoes 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 sacks containing the article, was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be relabeled "Potatoes Containing 33%" (or "24%," "20%," "21%," "25%," or "22%"), as the case might be, "Hollow Hearts and Other Blemishes," and that the statement "U. S. No. 1" be obliterated from the said sacks.

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

13128. Adulteration of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19835. I. S. No. 23113-v. S. No. C-4644.)

On February 9, 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 71 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Connersville Creamery Co., from Boyceville, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

On February 13, 1925, C. H. Weaver & Co., Chicago, Ill., claimants, 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 claimants 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 reprocessed so as to remove the excess water and raise the percentage of butterfat to not less than 80 per cent.

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

13129. Adulteration of canned succotash. U. S. v. 60 Cases of Canned Succotash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19509. I. S. No. 14347-v. S. No. E-5100.)

On January 16, 1925, the United States attorney for the District of Massachusetts, 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 60 cases of canned succotash, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Tuttle & Co., from McConnellsville, N. Y., November 11, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "State of New York Brand Succotash * * * First Quality Packed By Tuttle & Co. at McConnellsville, Oneida Co. New York."

Adulteration of the article was alleged in the libel for the reason that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage and inferiority was concealed, and for the further reason that it contained an added poisonous or other added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On February 18, 1925, 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.

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

13130. Adulteration of canned shrimp. U. S. v. 452 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19511. I. S. No. 14348-v. S. No. E-4908.)

On January 20, 1925, the United States attorney for the District of Massachusetts, 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