

16111. Adulteration and misbranding of potatoes. U. S. v. Leonard, Crosset & Riley (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 22575. I. S. No. 19083-x.)

On September 27, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leonard, Crosset & Riley (Inc.), a corporation, trading at Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act, on or about December 7, 1927, from the State of Indiana into the State of Michigan, of a quantity of potatoes which were adulterated and misbranded. The article was labeled in part: "U. S. Grade No. 1 Good Luck Michigan Potatoes."

It was alleged in the information that the article was adulterated in that potatoes other than Michigan potatoes, U. S. Grade No. 1, had been substituted for Michigan potatoes, U. S. Grade No. 1, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Michigan Potatoes, U. S. Grade No. 1," borne on the label, was false and misleading in that the said statement represented that the article consisted of Michigan potatoes, United States Grade No. 1, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of Michigan potatoes, United States Grade No. 1, whereas it did not so consist but did consist of Indiana potatoes not United States Grade No. 1. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On or about November 5, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16112. Misbranding of tomato catsup. U. S. v. 1456 Cases of Tomato Catsup. Product released under bond by consent. (F. & D. No. 23121. I. S. No. 05305. S. No. 1229.)

On or about October 6, 1928, 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 seizure and condemnation of 1,456 cases of tomato catsup, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Mid-west Food Packers (Inc.), from Fowlerton, Ind., September 7, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Mid-west Brand Tomato Catsup * * *. This Catsup Guaranteed To Be Absolutely Pure. No Preservatives or Artificial Coloring * * *. Made by Midwest Food Packers, Inc. Marion, Indiana."

It was alleged in the libel that the article was misbranded in that the statement in the labeling, "No preservatives or artificial coloring," was false and misleading and deceived and misled the purchaser, since the product contained an artificial coloring.

The Mid-West Food Packers (Inc.), Fowlerton, Ind., having appeared as claimant for the property, the following statement of facts was agreed to by the Government and the said claimant: that the above-quoted labels were misleading since the product contained color, that said "color" was a color certified by the Secretary of Agriculture as being in compliance with the Federal food and drugs act and regulations made pursuant thereto, that said "color" is harmless and was not used in the product for the purpose of concealing damage or inferiority, and that there was no evidence of intent on the part of the claimant in using said color or in labeling said bottles to mislead or deceive purchasers to their damage. On November 13, 1928, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16113. Adulteration and misbranding of butter. U. S. v. Ideal Butter & Egg Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 22583. I. S. No. 21226-x.)

On October 13, 1928, 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 of the United States for said district an information against the Ideal Butter & Egg Co. (Inc.), a corporation, New York, N. Y., alleging ship