

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.