

30449. Misbranding of potatoes. U. S. v. 720 Sacks and 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44932, 44938, 44939. Sample Nos. 16820-D, 69601-D, 69602-D.)

This product was below the grade declared on the label because of excessive grade defects.

On March 2, 1939, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,080 sacks of potatoes at Chicago, Ill.; alleging that on or about February 16, 22, and 23, 1939, Bacon Bros., Inc., of Chicago, Ill., shipped the article to themselves from Waupaca and Seeley, Wis., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Gold Seal Brand."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. No. 1 grade.

On March 8, 1939, the cases having been consolidated and Bacon Bros., Chicago, Ill., claimant, having admitted the allegations of the libels, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

30450. Adulteration of almonds. U. S. v. Three Sacks of Unshelled Almonds. Default decree of condemnation and destruction. (F. & D. No. 44364. Sample No. 36088-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-infested.

On November 17, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three sacks of almonds at Norfolk, Va.; alleging that the article had been shipped on or about October 24, 1938, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30451. Adulteration of butter. U. S. v. 83 Tubs of Butter (and 7 other seizure actions against the same product). Decrees of condemnation. Product released under bond. (F. & D. Nos. 44665, 44666, 44667, 44754, 44757 to 44760, incl. Sample Nos. 32977-D, 32978-D, 45621-D, 45622-D, 54101-D, 54102-D, 54103-D, 54105-D, 54106-D, 54107-D, 54109-D, 54110-D, 54111-D.)

This product was deficient in milk fat and a portion contained added mineral oil.

Between December 9, 1938, and January 11, 1939, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 911 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce within the period from on or about July 26, 1938, to on or about October 3, 1938, by Farmers Union Cooperative Creamery Co. from Superior, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923. A portion was alleged to be adulterated further in that mineral oil had been substituted in part for butterfat.

On December 30, 1938, and January 20, 1939, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act. Those portions deficient in milk fat and not otherwise adulterated were reworked to the legal standard and those portions adulterated with mineral oil (70 tubs) were denatured and disposed of as inedible grease.

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