

On October 30, 1922, C. M. Drake & Co., Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was 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 a bond in the sum of \$840, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11148. Adulteration and misbranding of potatoes. U. S. v. 1 Car of Potatoes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16812. I. S. No. 1705-v. S. No. E-4180.)

On September 16, 1922, 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 of information praying the seizure and condemnation of 1 car of potatoes at Springfield, Mass., alleging that the article had been shipped by Chamberlin & Barclay, from Hightstown, N. J., on or about September 6, 1922, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1. 150 Lbs. Net When Packed Frank Powell, Hightstown, N. J."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, potatoes of a lower grade than that designated, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for U. S. Grade No. 1 potatoes, which the said article purported to be.

Misbranding was alleged for the reason that the package or label bore a statement, to wit, "U. S. Grade No. 1," regarding the article or the ingredients contained therein, which was false and misleading and deceived and misled the purchaser.

On October 25, 1922, 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. The destruction was accomplished by using the potatoes, which were very scabby, as hog feed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11149. Adulteration and misbranding of butter. U. S. v. 8 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16914. I. S. No. 2082-v. S. No. E-4216.)

On November 10, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 boxes of butter, remaining in the original unbroken packages at Erie, Pa., alleging that the article had been shipped by Hickman & Coward, Buffalo, N. Y., on October 30, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "1 Lb. Net Weight. This butter is made from pure cream \* \* \*"

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement "1 Lb. 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 1, 1922, the Sanilac County Creamery Co., Brown City, Mich., claimant, having consented to the entry of a decree, judgment of condemnation was 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 a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*