

**12355. Misbranding of oil. U. S. v. 20 1-Gallon Cans of La Provence Oil. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 15335. I. S. No. 5087-t. S. No. E-3524.)

On August 2, 1921, the United States attorney for the District of Rhode Island, 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 20 1-gallon cans of La Provence oil remaining in the original unbroken packages at Providence, R. I., consigned by the Littauer Oil Co., Guttenberg, N. J., alleging that the article had been shipped from Guttenberg, N. J., on or about June 9, 1921, and transported from the State of New Jersey into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "One Gallon La Provence Brand Oil \* \* \* Littauer Oil Co., Guttenberg, N. J."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the can containing the said article, to wit, "One Gallon," was false and misleading and deceived and misled the purchaser in that the said statement led the purchaser to believe that each of the cans contained 1 gallon of oil, when it did not, being short in volume. 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 May 23, 1924, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12356. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18711. I. S. No. 13753-v. S. No. E-4859.)

On May 29, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 260 sacks of potatoes remaining in the original unbroken packages at Washington, D. C., consigned by Mosely Bros., Grand Rapids, Mich., May 22, 1924, alleging that the article was being offered for sale and sold within the District of Columbia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Michigan U. S. Grade No. 1 150 lbs. Net Wt. when packed."

Examination of the article by the Bureau of Chemistry of this department showed that approximately 17 per cent thereof were hollow-hearts and that approximately 10 per cent contained other blemishes, such as growth cracks, second growth, sunburn, and mechanical injury.

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

On June 2, 1924, Levanthal & Oxenburg, Washington, D. C., claimant, having admitted the allegations of the libel and 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 claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12357. Adulteration and misbranding of flour. U. S. v. 343 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18493. I. S. No. 18731-v. S. No. C-4317.)

On March 14, 1924, the United States attorney for the Eastern District of Missouri, 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 343 sacks of flour remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Lyons Milling Co., Burton, Kans., on or about February 16, 1924, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "The Lyons Milling Company 140 Pounds Telegram Registered \* \* \* Kansas Hard Wheat Flour General Offices, Lyons, Kansas."