

13965. Adulteration and misbranding of concentrated sweetener. U. S. v. 2 Cases, et al., of Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12964, 13019, 13030. I. S. Nos. 9318-r, 9339-r, 9358-r. S. Nos. E-2365, E-2420, C-2010.)

On June 23 and July 13 and 16, 1920, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2 cases and 10 pounds of concentrated sweetener, in various lots at Daytona, Key West, and St. Petersburg, Fla., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co. in part on or about June 3, 1920, and in part on or about June 12, 1920, and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water. Not Sold As A Drug W. B. Wood Mfg. Co. * * * St. Louis, Mo."

Adulteration of the product contained in the said 2 cases was alleged in the libel for the reason that an imitation sweetener had been substituted wholly or in part for the article, and for the further reason that it contained saccharin, an added deleterious ingredient, which might have rendered it injurious to health.

Adulteration of the remainder of the product was alleged for the reason that another substance, to wit, saccharin, had been substituted wholly or in part for the article, and for the further reason that it contained saccharin, an added poisonous or deleterious ingredient which might have rendered it injurious to health.

Misbranding of all the product was alleged for the reason that the statement on the labels, "Special Concentrated Sweetner" (or "Sweetener") "500," was false and misleading, in that the said statement represented that the article was 500 times sweeter than sugar, when it was not. Misbranding was alleged with respect to the said 10 pounds of the product for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13966. Misbranding of potatoes. U. S. v. William A. Evans, Isabell E. Evans, and Donald E. Evans (W. A. Evans & Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 19325. I. S. No. 22126-v.)

On May 16, 1925, 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 William A. Evans, Isabell E. Evans, and Donald E. Evans, copartners, trading as W. A. Evans & Co., Lapeer, Mich., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 15, 1924, from the State of Michigan into the State of Ohio, of a quantity of potatoes which were misbranded. The article had been offered for sale by telegram, and shipped as "One car U. S. one potatoes." A portion of the said article was labeled: "Michigan U. S. Grade No. 1 150 Lbs. Net Wt. When Packed."

Examination by the Bureau of Chemistry of this Department of a number of sacks of the article showed that they contained approximately 35 per cent of undergrade potatoes.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. Grade No. 1," borne on the tag attached to each of a number of the sacks containing the said article, was false and misleading, in that the said statement represented that the article was U. S. Grade No. 1 potatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained U. S. Grade No. 1 potatoes, whereas said article was not U. S. Grade No. 1 potatoes but was potatoes of quality and grade inferior to U. S. Grade No. 1 potatoes. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, U. S. Grade No. 1