

21278. Misbranding of potatoes. U. S. v. 257 Sacks and 260 Sacks of Potatoes. Product released under bond to be resacked. (F. & D. nos. 30552, 30555. Sample nos. 39025-A, 46461-A.)

These cases involved shipments of potatoes in which certain sacks examined were found to contain less than the declared weight, 100 pounds.

On June 2, 1933, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 517 sacks of potatoes at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about May 25 and May 26, 1933, by L. Markman, from Lockport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Unclassified Selected Potatoes One Hundred Pounds When Packed, Markman Produce Co., Des Moines, Iowa."

It was alleged in the libels that the article was misbranded in that the statement, "One Hundred Pounds 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 3, 1933, the Markman Produce Co., Des Moines, Iowa, having appeared as claimant for the property and having filed bonds, conditioned that the potatoes be resacked to conform with the law, decrees were entered ordering that the product be released to the claimant in accordance with the conditions of the bond and that the claimant pay the costs of the proceedings.

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

21279. Adulteration of tullibeas. U. S. v. 22 Boxes and 8 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30648, 30725. Sample nos. 32142-A, 35450-A.)

These cases involved shipments of tullibeas that were infested with worms.

On May 24 and June 21, 1933, respectively, the United States attorneys for the Southern District of New York and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 30 boxes of tullibeas at New York, N.Y., and Chicago, Ill., alleging that the article had been shipped in interstate commerce, the former on or about May 20, 1933, and the latter on or about June 17, 1933, by the Warroad Fish Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On June 12 and September 28, 1933, 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.

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

21280. Adulteration of currants. U. S. v. 800 Barrels and 262 Barrels of Currants. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30906, 30935. Sample nos. 32055-A, 32056-A, 32057-A, 32060-A to 32065-A incl., 43635-A to 43640-A incl.)

These cases involved several shipments of currants that were found to be contaminated with arsenic and lead.

On July 21 and July 27, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,062 barrels of currants at Jersey City, N.J., alleging that the article had been shipped in interstate commerce between the dates of June 30 and July 19, 1933, by A. Carobine, from Middle Hope, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On July 29, 1933, A. Carobine, New York, N.Y., having appeared as claimant for 800 barrels of the product and 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 claimant upon payment of costs and the execution of a bond