

22442. Adulteration and misbranding of potatoes. U. S. v. 101 Sacks and 185 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32441. S. no. 65059-A.)

This case involved a shipment of potatoes represented to be United States grade No. 1, which were below the grade specified because of excessive grade defects.

On or about April 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 16, 1934, by the Northern Potato Co., from Mosinee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. One The Original Northern Brand Potatoes, * * * Antigo Potato Co., Antigo, Wisconsin Shippers."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "U. S. Grade No. One", was false and misleading and deceived and misled the purchaser.

On April 3, 1934, F. E. Baldwin, Chicago, Ill., claimant, having admitted the allegations of the libel and having 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 in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

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

22443. Adulteration and misbranding of cherry-, grape-, and strawberry-flavored sirups. U. S. v. 225 Cases of Cherry Flavored Syrup, et al. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 32448. Sample nos. 66972-A to 66976-A, incl.)

This case involved products which were represented to consist of fruit flavored sirups and which were found to be artificially flavored and colored.

On March 28, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of cherry-flavored sirup, 148 cases of grape-flavored sirup, and 148 cases of strawberry-flavored sirup, at Hoboken, N. J., alleging that the articles had been shipped in interstate commerce, on or about June 30, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "American House Cherry [or "Grape" or "Strawberry"] Flavored Syrup * * * American Grocery Co. Distributors, Hoboken, N. J."

It was alleged in the libel that the articles were adulterated in that artificially flavored and colored imitation cherry, grape, and strawberry sirups, had been substituted for the articles. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the respective labels, "Cherry", "Grape", and "Strawberry", as applied to artificially flavored and colored imitation sirups, were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were imitations of other articles, and were offered for sale under the distinctive names of other articles.

On April 10, 1934, the Snaider Syrup Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the labels be removed and new labels affixed which complied with the Federal Food and Drugs Act.

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