

was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. 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 9, 1934, a plea of guilty was entered on behalf of the defendant company. On May 11, 1934, judgment was entered imposing a fine of \$200 and costs.

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

22575. Misbranding of potatoes. U. S. v. 170 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be re-sacked or relabeled. (F. & D. no. 30571. Sample no. 46462-A.)

Sacks of potatoes taken from the shipment involved in this case were found to contain less than 100 pounds, the labeled weight.

On June 8, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 sacks of potatoes at Minneapolis, Minn., consigned by L. Markman, alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, 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 100 Pounds When Packed Markman Produce Co., Des Moines, Iowa."

It was alleged in the libel 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 food 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 not correct.

On June 10, 1933, a claim having been filed for the property, and the court having found that the product could be lawfully sold if re-sacked to the declared weight, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be disposed of only in conformity with the Federal Food and Drugs Act and all other laws.

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