

28574. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41466. Sample No. 887-D.)

This product was below the grade declared on the label because of excessive grade defects consisting mostly of net necrosis.

On January 18, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce by Paul Jackins from Houlton, Maine, on or about January 8, 1938, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maine U. S. No. 1 Spudo Brand Potatoes Paul Jackins Houlton, Me."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On January 26, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution in order that the portion which was not decomposed might be used by such institution.

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

28575. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41434. Sample No. 883-D.)

This product was below the grade declared on the label because of serious damage by net necrosis.

On January 14, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 7, 1938, by W. C. Hand from Oakfield, Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1 * * * Packed by W. C. Hand, New Limerick, Maine."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "U. S. Grade No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On January 31, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution in order that the potatoes which were not decomposed might be made use of by such institution.

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

28576. Adulteration and misbranding of Solvohol. U. S. v. 30 Gallons of Solvohol G. F. (and 12 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 41013, 41043, 41045, 41077, 41101, 41102, 41113, 41136, 41154, 41156, 41157, 41169, 41181. Sample Nos. 13973-C, 36778-C, 36779-C, 43449-C, 47591-C, 47701-C, 54359-C, 56722-C, 65076-C, 71196-C, 71226-C, 71231-C, 71301-C.)

These products were sold as food solvents. Analyses showed that they consisted in whole or in large part of a glycol or a glycol ether, or both, poisons.

On December 10, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 gallons of Solvohol G. F. at New Orleans, La. On various dates between December 9 and December 22, 1937, libels were filed against 153 gallons of Solvohol G. F., 18 gallons of Solvohol G, and 10 gallons of Solvohol A. 1., in various lots at Davenport, Iowa; New Orleans, La.; Atlantic City, N. J.; Cincinnati and Cleveland, Ohio; Louisville, Ky.; Birmingham, Ala.; Greenfield, Ind.; Atlanta, Ga.; Philadelphia, Pa.; and Jersey City, N. J. The libels alleged that the articles had been shipped in interstate commerce on various dates between May 12, 1936, and December 3, 1937, from Brooklyn, N. Y., by Felton Chemical Co., Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Solvohol G. F. [or "G" or "A. 1"] From Felton Chemical Co. * * * Brooklyn, New York."