

The article was labeled in part: "Old Mother Hubbard \* \* \* Pure Red Currant Jelly Manufactured by Gold Label Kitchens, Inc. Chicago, Ill."

It was alleged to be adulterated in that it was mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Red Currant Jelly" was false and misleading and tended to deceive and mislead the purchaser when applied to imitation red currant jelly; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On February 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

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

**28619. Adulteration of Pine-Cot and pineapple preserves. U. S. v. 19 Cases and 74½ Cases of Assorted Preserves. Consent decree of condemnation. Product released under bond for segregation and destruction of adulterated portion.** (F. & D. Nos. 40038, 40039. Sample Nos. 43784-C, 43785-C, 43788-C, 43789-C.)

The Pine-Cot preserves and a portion of the pineapple preserves contained in these assorted preserves were moldy and decomposed.

On or about August 9, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 93½ cases of assorted preserves at Jacksonville, Fla., alleging that the articles had been shipped in interstate commerce on or about April 16 and June 14, 1937, from Brooklyn, N. Y., by Brook-Maid Food Co., Inc., and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Brook-Maid Brand Pure Deluxe Pine-Cot [or "Pineapple"] Preserves \* \* \* Brook-Maid Food Co., Inc., Brooklyn, N. Y."

The Pine-Cot and a portion of the pineapple preserves were alleged to be adulterated in that they consisted in whole or in part of a decomposed and putrid vegetable substance.

On February 2, 1938, the cases having been consolidated and the Brook-Maid Food Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered as to the Pine-Cot and a portion of the pineapple, and the products were ordered released under bond conditioned that all jars of the product which contained mold or were in a fermenting condition be segregated and destroyed.

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

**28620. Adulteration of canned tomato and celery juice. U. S. v. 50 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction.** (F. & D. No. 41057. Sample No. 1136-C.)

This product was wholly or in part decomposed.

On December 10, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato and celery juice at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 13, 1936, by the Perry Canning Co. from Perry, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Celto Brand Tomato and Celery Juice."

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

On January 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28621. Misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 42161. Sample No. 14173-D.)

This product was below the grade declared on the label.

On April 8, 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 200 bags of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 7, 1938, by B. J. Folsom from Harmony, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in

part: "Maine Potatoes Grade U. S. No. 1 \* \* \* B. J. Folsom, Harmony, Me."

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 April 12, 1938, B. J. Folsom, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the potatoes be resacked and properly labeled.

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

**28622. Adulteration and misbranding of vanilla extract. U. S. v. 256 Bottles of Extract of Vanilla. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40686. Sample No. 48410-C.)**

This product was deficient in vanilla extractives.

On November 8, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 256 bottles of vanilla extract at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about October 14, 1937, by the Vertrees Manufacturing Co. from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Extract Vanilla Vertrees Mfg. Co. Louisville, Ky."

It was alleged to be adulterated in that a hydroalcoholic solution of vanilla, containing less vanilla extractives than are contained in vanilla extract, had been substituted for pure vanilla extract, which it purported to be.

Misbranding was alleged in that the name "Pure Extract Vanilla" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in vanilla extractive matter.

On February 15, 1938, the Vertrees Manufacturing Co., Louisville, Ky., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

**28623. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation and destruction. (F. & D. No. 41640. Sample No. 9608-D.)**

These potatoes were below the grade declared on the label because of excessive grade defects consisting mostly of net necrosis.

On February 5, 1938, the United States attorney for the Eastern District of Pennsylvania, 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 Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 28, 1938, by Benjamin Balish Co., Inc., from Houlton, Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "U. S. No. 1 Potatoes Benjamin Balish Co. Inc. Bridgewater, Maine."

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

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead purchasers when applied to potatoes below U. S. No. 1 grade.

On February 28, 1938, no claimant having appeared, judgment of condemnation and forfeiture was entered and the property was ordered destroyed.

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

**28624. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Property ordered released to claimant under bond for relabeling. (F. & D. No. 41697. Sample No. 7904-D.)**

These potatoes were below the grade represented on the label.

On February 14, 1938, the United States attorney for the Southern District of New York, 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 New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 7, 1938, by Adelman & Gallupe from