

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