

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

Mars Hill, Maine, and charging misbranding in violation of the Food and Drugs Act.

It was alleged to be misbranded in that the statement on the tag, "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 February 26, 1938, Adelman & Gallupe having appeared as claimant, admitting the truth of the allegations and consenting, judgment of condemnation and forfeiture was entered, and it was ordered that the property be released under bond conditioned that it be relabeled: "Maine Potatoes Unclassified 100 Lbs."

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

**28625. Adulteration of Brazil nuts. U. S. v. 130 Bags of Brazil Nuts. Decree of condemnation. Product released under bond. (F. & D. No. 41186. Sample No. 66443-C.)**

This product was in part moldy and decomposed.

On December 18, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 bags of Brazil nuts at Baltimore Md., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from New York, N. Y., by Wm. A. Higgins & Co., Inc., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 19, 1938, the Great Atlantic & Pacific Tea Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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

**28626. Adulteration and misbranding of Fritzbro Solvent. U. S. v. 1 Drum of Fritzbro Solvent V (and 43 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 40868, 40869, 40949, 41008, 41046, 41076, 41082, 41083, 41085, 41086, 41090, 41094, 41095, 41097, 41098, 41104, 41105, 41110, 41115, 41118, 41119, 41123, 41138, 41155, 41170, 41171, 41173, 41191, 41192, 41205, 41208, 41210, 41211, 41218, 41220, 41223, 41225 to 41228, incl., 41231, 41254, 41269, 41285, 41286, 41295, 41313, 41321. Sample Nos. 38472-C, 44286-C, 44292-C, 44295-C, 45041-C, 45259-C, 45837-C, 45838-C, 46653-C to 46656-C, incl., 46690-C, 47294-C, 47297-C, 47594-C, 47595-C, 48554-C, 48558-C, 48559-C, 48766-C, 50555-C, 50556-C, 51675-C, 52166-C, 52320-C, 52321-C, 53580-C, 54367-C, 55088-C, 55090-C, 55091-C, 55256-C, 55502-C, 60600-C, 60602-C, 60671-C, 60697-C, 61418-C, 65165-C, 65445-C, 69032-C, 71067-C, 71225-C, 71229-C, 71230-C, 71232-C, 71304-C, 71754-C, 73051-C.)**

The solvents identified as "No. 1" and "No. 1 Special" consisted of a poison—a glycol or a glycol ether, or both. That identified as "Solvent V" consisted of diethylene glycol, which also is a poison.

On various dates between November 18, 1937, and January 5, 1938, libels were filed in 23 United States district courts by the respective United States attorneys, acting upon reports by the Secretary of Agriculture, against a total of 1,177 pounds, and approximately 71 gallons of Solvent No. 1, 48¼ gallons of Solvent No. 1 Special, and 2,826 pounds and 118½ gallons of Solvent V in various lots at Philadelphia, Pittsburgh, Scranton, Harrisburg, and York, Pa.; Denver, Colo.; Atlanta and Macon, Ga.; Salt Lake City, Utah; San Francisco, Sunnyvale, and Los Angeles, Calif.; Somerville, Malden, and Foxboro, Mass.; Paterson and Bridgeton, N. J.; Houston, Tex.; New Orleans, La.; Tampa, Miami, and St. Petersburg, Fla.; Pawtucket, R. I.; Dayton and Cincinnati, Ohio; Cedar Rapids, Iowa; Seattle, Wash.; St. Louis and Kansas City, Mo.; Baltimore, Md.; Lincoln, Nebr.; and Birmingham, Ala. The libels alleged that the articles had been shipped in interstate commerce between March 9 and November 14, 1937, from New York, N. Y., by Fritzsche Bros., Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Fritzsche Brothers [or "Fritzsche Brothers, Inc."] New York."

They were alleged to be adulterated in that a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for Fritzbro Solvent No. 1, Fritzbro Solvent V, and Fritzbro Solvent No. 1 Special, food-flavor solvents, which they purported to be.