17557. Misbranding of potatoes. U. S. v. John B. Conrad. Plea of guilty. Fine, $25. (F. & D. No. 19762. I. S. No. 6989-x.)

Sample sacks of potatoes from the herein described interstate shipment having been weighed and found to contain less than 150 pounds, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

On July 6, 1926, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against John B. Conrad, Wayland, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 7, 1926, from the State of New York into the State of New Jersey, of a quantity of potatoes which were misbranded. The article was labeled in part: "Potatoes—150 Lbs. Net When Packed, J. B. Conrad, Wayland, N. Y."

It was alleged in the information that the article was misbranded in that the statement "150 Lbs. Net," borne on the sacks containing the said article, was false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said sacks contained less than 150 pounds net of the article. 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 July 9, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17558. Adulteration of canned sweetpotatoes. U. S. v. 54 Cases of Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24736. I. S. No. 027851. S. No. 3092.)

Samples of the canned sweetpotatoes from the herein described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On April 26, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 cases of canned sweetpotatoes at Brooklyn, N. Y., alleging that the article had been shipped by Insley & Mitchell, from Salisbury, Md., on or about February 15, 1930, and transported from the State of Maryland to the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "I & M Brand Sweet Potatoes Packed by Insley & Mitchell, Salisbury, Md."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 1, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17559. Misbranding of alfalfa meal. U. S. v. 997 Bags of Alfalfa Meal. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24780. I. S. No. 022970. S. No. 3142.)

Samples of alfalfa meal from the herein described interstate shipment having been found to contain less crude protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On June 9, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 997 bags of alfalfa meal, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Russell & Macaulay, from Sacramento, Calif., on or about May 2, 1930, and had been transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Alfalfa Meal * * * Manufactured by Russell & Macaulay, Sacramento, California, Guaranteed Analysis Crude Protein, not less than 17%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Crude Protein, not less than 17%," was false and misleading and deceived and misled the purchaser when applied to an article which contained a less amount of protein.

On June 12, 1930, Louis E. Page, agent for Russell & Macaulay, Sacramento, Calif., having appeared as claimant for the property and having admitted the