

Drugs Act. The article was labeled in part: "North Star [or "Northland"] U. S. Grade No. 1 \* \* \* Joseph L. Bushman, Galloway, Wis."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1" borne on the label was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. Grade No. 1.

On February 26, 1937, Joseph L. Bushman, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling.

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

**27023. Adulteration and misbranding of potatoes. U. S. v. 1 Carload Containing 360 Sacks of Potatoes. Consent decree of condemnation. Product released subject to relabeling. (F. & D. no. 39146. Sample no. 23-C.)**

This case involved potatoes which were below the grade indicated on the label.

On February 26, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes containing 360 sacks, more or less, at Louisville, Ky., alleging that they had been shipped in interstate commerce on or about February 23, 1937, by C. H. Runciman from Lowell, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lowell Brand U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted in part for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1", borne on the label, was false and misleading and tended to deceive and mislead the purchaser thereof, since it represented that said potatoes were of the standard established as U. S. Grade No. 1 potatoes; whereas they fell below said grade and standard.

On March 3, 1937, Edw. F. Leist & Co., of Louisville, Ky., having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released subject to relabeling in conformity with the law.

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

**27024. Adulteration and misbranding of marjoram leaves. U. S. v. 50 Pounds of Marjoram Leaves. Default decree of condemnation and destruction. (F. & D. no. 39172. Sample no. 20561-C.)**

A sample taken from this product yielded only approximately 0.55 percent of volatile oil; whereas a normal sample should yield at least 1.2 percent of volatile oil.

On March 5, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pounds of marjoram leaves at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 19, 1937, by Van Loan & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "50 Lbs. Leaf German Marjoram."

The article was alleged to be adulterated in that marjoram leaves from which a portion of the volatile oil content had been removed, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for marjoram leaves, which the article purported to be; and in that a valuable constituent of the article, volatile oil, had been abstracted in whole or in part.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, marjoram leaves, and in that the name "marjoram" in connection with said product was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less volatile oil than it should contain.

On March 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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