On April 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3044. Adulteration and misbranding of wheat bran. U. S. v. 300 Sacks of Wheat Bran. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5073. S. No. 1711.)

On March 1, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of wheat bran, remaining unsold in the original unbroken packages, upon the premises of the A. L. Bartlett Co., Rockford, Ill., alleging that the product had been shipped by the Pillsbury Flour Mills Co., Minneapolis, Minn., on January 14, 1913, and transported from the State of Minnesota into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "For drawback Pillsbury's Pure and Unadulterated Wheat Bran—guaranteed by Pillsbury Flour Mills Company under the Food and Drugs Act, June 30, 1906—4489 A—Minimum protein 14.50 percent, Minimum fat 4.00 percent, maximum fibre 11.00 percent, 100 pounds, Minneapolis, Minnesota, U. S. A."

Adulteration of the product was alleged in the libel for the reason that a certain substance known as screenings had been mixed and packed with the article of food so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a certain substance known as screenings had been substituted in part for the article of food aforesaid. Misbranding of the product was alleged for the reason that each of the sacks bore a label in the words and figures set forth above, which said statement, contained in the label upon each of the sacks, deceived and misled the purchaser into the belief that the article of food aforesaid was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings. Misbranding was alleged for the further reason that said statement contained in the label upon each of the sacks was false and misleading in that the label aforesaid purported to state that the article of food was a pure and unadulterated wheat bran, whereas, in truth and in fact, the article of food aforesaid was not a pure and unadulterated wheat bran, but was a mixture containing wheat bran and screenings, to wit, 4.05 per cent of said screenings.

On October 18, 1913, the said A. L. Bartlett Co., claimant, having filed its substituted answer admitting all material allegations in the libel, and the court having read and considered the same and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be surrendered and delivered to said claimant company upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that said claimant should obliterate or cause to be obliterated the portion of the label containing the statement, to wit, "For drawback Pillsbury's Pure and Unadulterated Wheat Bran," and the substitution in lieu thereof of the following: "Wheat Bran with Ground Mill Run of Screenings."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*