3169. Adulteration of granulated chicory. U. S. v. 47 and 3 Barrels of Granulated Chicory. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5315. S. No. 1908.)

On August 15, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on August 16, 1913, a supplemental libel, for the seizure and condemnation of 47 and 3 barrels of granulated chicory, remaining unsold in the original unbroken packages and in possession of the steamship "Raven," New Orleans, La., alleging that the product had been shipped on or about July 20, 1913, by the Heinr, Franck, Sohne Co., Ltd., Flushing, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. Each of the barrels was labeled "H. F." and each barrel bore a serial number and a trade mark on the side composed of the picture of a coffee mill with the word "Franck."

Adulteration of the product was alleged in the libel for the reason that during its transportation from the State of New York to the State of Louisiana and while packed between decks aboard said vessel and in transit the same came in contact with paris green, which is a poisonous substance, and which sifted down the hatch of said vessel and was scattered over and came in contact with the contents of the barrels, and which by reason of said contact contained a poisonous ingredient, injurious to health. It was further alleged in the libel that, by reason of the barrels being subjected to, and the contents thereof coming in contact with, paris green, which is a poisonous substance, the same became adulterated.

On October 3, 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 destroyed by the United States marshal.

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

WASHINGTON, D. C., *May 6, 1914.*

3170. Adulteration of flour. U. S. v. 413 Sacks of Flour. Consent decree of condemnation and forfeiture. Released on bond. (F. & D. No. 5319. S. No. 1912.)

On September 3, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on September 4, 1913, an amendment to said libel, for the seizure and condemnation of 300 sacks, each containing 196 pounds of flour, which were afterward repacked into 413 sacks of flour, each containing 140 pounds, remaining unsold in the original unbroken packages and in possession of the Lehigh Valley Railroad Co. at Jersey City, N. J., alleging that the product had been shipped by the Halliday Milling Co., Buffalo, N. Y., on or about May 23, 1913, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The sacks bore no marks or brand except the letter "H." Adulteration of the product was alleged in the amendment to the libel for the reason that it was high in acidity, musty, and consisted wholly or in part of a filthy, putrid, or decomposed vegetable substance.

On December 15, 1913, Gross & Co., New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 26, 1914.*