

**4757. Adulteration and misbranding of pork and beans. U. S. \* \* \* v. 150 Cases of Speedway Brand, 205 Cases of Crystal Brand, and 100 Cases of Crusoe Brand Pork and Beans. Consent decrees of condemnation and forfeiture. Product ordered released on bond.** (F. & D. Nos. 7266, 7267, 7268. I. S. Nos. 411-1, 413-1, 414-1. S. No. E-573.)

On March 28, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels for the seizure and condemnation of 150 cases of Speedway Brand, 205 cases of Crystal Brand, and 100 cases of Crusoe Brand pork and beans, consigned by the Elyria Canning Co., Elyria, Ohio, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped, on or about February 24, 1916, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The "Speedway Brand" pork and beans were labeled (On shipping package) "2 Doz. No. 2½ Cans Speedway Brand Pork and Beans Packed by The Elyria Canning Co. Elyria, O." (On end of case: Letter "U" in a diamond-shaped figure.) The "Crystal Brand" pork and beans were labeled: (On shipping package) "2 Doz. No. 3 Cans Crystal Brand Pork and Beans With Tomato Sauce. Packed for B. S. Janney, Jr. & Co. Inc. Philadelphia, Pa." (On end of case: Letter "K" in a diamond-shaped figure.) The "Crusoe Brand" pork and beans were labeled: (On shipping package) "2 Dozen No. 2½ Cans Crusoe Brand Pork and Beans with tomato Sauce, Packed by Elyria Canning Co., Elyria, Lorain Co., Ohio." (On end of case: Letter "Z" in a diamond-shaped figure.)

Adulteration of the article was alleged in the libels for the reason that the beans consisted in part of a decomposed vegetable substance.

Misbranding of the Speedway Brand and the Crusoe Brand of the article was alleged in substance in two of the libels for the reason that the retail packages contained labels which bore statements regarding said articles and the ingredients and substances contained therein, which were false and misleading, in that said statements indicated to purchasers that the packages contained "2 lbs. or over" of the article as aforesaid, when in fact they did not.

On April 18, 1916, C. C. McDonald, trading as the Elyria Canning Co., Elyria, Ohio, claimant, having filed his answers admitting the averments in the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bonds in the sums of \$110, \$225, and \$165, respectively, in conformity with section 10 of the act, conditioned in part that the product should not be used as a food product contrary to law and should be denatured and relabeled under the supervision of the Chief of the Philadelphia Laboratory of the Bureau of Chemistry, Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*