

4798. Adulteration and misbranding of alleged mustard seed. U. S. * * * v. 238 Bags * * * of Alleged Mustard Seed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7511. I S. Nos. 4956-1, 4957-1. S. No. E-638)

On June 6, 1916, the United States attorney for the Western District of New York, 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 238 bags, each containing 160 pounds, of alleged mustard seed, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped, on or about April 15, 1916, by the North American Mercantile Co., San Francisco, Cal., and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "G F New York When Packed Net 160 From Japan."

Adulteration of the article was alleged in the libel for the reason that rape seed had been substituted wholly for mustard seed.

Misbranding was alleged for the reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, mustard seed.

On June 27, 1916, Ludwig S. Nachman, Chicago, Ill., claimant, having filed his claim and answer, submitting to the passage of a decree, 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 bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned, among other things, that the product should be cleaned if the United States food and drug inspectors should deem it necessary, and labeled to show its true character.

CARL VROOMAN, *Acting Secretary of Agriculture.*