

**3822. Adulteration of oats. U. S. \* \* \* v. 1 Carload of Bulk Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6249. I. S. No. 11472-k. S. No. E-204.)**

On January 27, 1915, the United States attorney for the District of Vermont, 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 1 carload of bulk oats, remaining unsold and unloaded in the car at Richford, Vt., alleging that the product had been shipped on January 21, 1915, by Fagg and Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Vermont, en route to the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that said carload of oats contained a greater amount of water than oats properly so-called contain, and said bulk oats so-called in said car also contained 6.1 per cent of barley; that another substance, namely, water, had been substituted in part for said oats, and that another substance, namely, a grain called barley, had been substituted in part for oats throughout the oats in said car, and said so-called oats were therefore adulterated within the meaning of the Food and Drugs Act. It was further alleged that the oats had been adulterated by the introduction, addition, and substitution in part of water, so as to reduce, lower, and injuriously affect the quality and strength of said oats; that the same had been further adulterated by the introduction, addition, and substitution in part of another grain called barley, so as to reduce, lower, and injuriously affect the quality and strength of said oats; and that there had been so introduced, added, and substituted as above stated 6.1 per cent of said grain called barley.

On February 23, 1915, said Fagg and Taylor, a copartnership, 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 released and delivered to said claimants or their nominee upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, upon the payment of costs and upon amending the bill of lading and invoice covering said carload of bulk oats if necessary, and upon reducing the water content of said oats to 14 per cent or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*