

5847. Adulteration and misbranding of oats. U. S. * * * v. 6 Carloads and 4 Carloads of Oats. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 8383. I. S. Nos. 1826-p, 1827-p, 1832-p, 2821-p, 8203-p, 8204-p, 8205-p, 8218-p, 9005-p, 9006-p. S. No. E-872.)

On August 10, 1917, the United States attorney for the Eastern District of Virginia, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 6 carloads and 4 carloads of oats, remaining unloaded at Newport News, Va., alleging that the article had been shipped by the International Grain Elevator Co., from Minneapolis, Minn., on or about July 18, 1917, and transported from the State of Minnesota into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it had been mixed and packed with certain foreign substances, to wit, wild oats, weed seeds, and screenings, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for oats.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oats.

On August 25, 1917, an order consolidating the two libels into one cause was entered, and thereupon the said International Grain Elevator Co., claimant, having consented to a decree, the court found the article to be adulterated and misbranded, and a judgment of condemnation was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*