

5919. Adulteration and misbranding of baked beans. U. S. * * * v. 200 Cases * * * of Baked Beans with Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7958. I. S. No. 10586-m. S. No. C-623.)

On or about January 13, 1917, the United States attorney for the Southern District of Iowa, 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 200 cases of baked beans with tomato sauce, remaining unsold in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped on or about December 12, 1916, by the Union Packing Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Wise Choice Brand Baked Beans with Tomato Sauce."

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

Misbranding of the article was alleged in substance for the reason that the statement, "Baked Beans," borne on the label, was false and misleading and deceived and misled the purchaser in that the article had not been baked but had been cooked by another process.

On December 20, 1917, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*