

On February 13, 1920, the Monumental Canning Co. Inc., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8357. Adulteration and misbranding of Patapsco Wheat Middlings and Screenings. U. S. * * * v. 500 Bags of Patapsco Wheat Middlings with Screenings. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11822. S. No. E-1888.)

On or about December 18, 1919, the United States attorney for the Eastern District of Virginia, 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 a certain quantity of a certain article, labeled in part, on tag, "Patapsco Wheat Middlings and ground recleaned screenings not exceeding mill run," and, stenciled on bag, "Patapsco Brown Middlings manufactured from soft winter wheat and ground recleaned screenings not exceeding mill run," at Richmond, Va., alleging that the article had been shipped on or about December 3, 1919, by the C. A. Gambrill Mfg. Co., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel in that a certain substance, to wit, ground bran, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was further alleged in that a certain substance, to wit, ground bran, had been substituted in whole or in part for the article. Adulteration was further alleged in that a certain substance, to wit, ground bran, had been mixed therewith in a manner whereby damage and inferiority were concealed.

Misbranding of the article was alleged in substance in that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Patapsco Wheat Middlings and ground recleaned screenings not exceeding mill run." Misbranding was further alleged in that the package containing said article and the labels thereon bore certain statements, regarding the ingredients and substances contained therein, which were false and misleading, to wit, "Wheat Middlings and ground recleaned screenings not exceeding mill run" and "Brown Middlings manufactured from soft winter wheat and ground recleaned screenings not exceeding mill run," whereas, in truth and in fact, the article contained a large quantity of a certain substance, to wit, ground bran.

On January 27, 1920, C. A. Gambrill Mfg. Co. Inc., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*