

11139. Adulteration and misbranding of flour. U. S. v. 102 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16734. I. S. No. 7728-v. S. No. W-1191.)

On August 9, 1922, the United States attorney for the Western District of Washington, 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 102 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Judith Milling Co., Hobson, Mont., March 14, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Judith Milling Co. Hobson Flour Made From the Famous Judith Basin Wheat Hobson, Montana. 98 Lbs. Hobson Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 24, 1922, George L. Case, Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act. conditioned in part that the product be reconditioned under the supervision and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11140. Adulteration and misbranding of kidney beans. U. S. v. 50 Cases, et al, of Kidney Beans. Tried to the court and a jury. Judgments for the Government. Product ordered destroyed. (F. & D. Nos. 12184, 12202, 12238. I. S. Nos. 15217-r, 15218-r, 15979-r. S. Nos. E-1982, E-1989, E-2025.)

On February 19, February 26, and March 8, 1920, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 85 cases and 41 dozen cans of kidney beans, remaining in the original unbroken packages, in part at Philadelphia, Pa., and in part at Lancaster, Pa., consigned by George Van Camp & Sons Co., Westfield, Ind., alleging that the article had been shipped from Westfield, Ind., in part on or about December 9, 1919, and in part on or about December 11, 1919, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Geo. Van Camp's Red Kidney Beans Contents 1 Lb. 4 Oz. Packed by Geo. Van Camp & Sons Co., Westfield, Ind." The remainder of the article was labeled in part: "Elk Head Brand Red Kidney Beans * * *"

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted in whole or in part for kidney beans.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the cans containing the article, to wit, "Red Kidney Beans," and the design and device of a cut of a dish containing red beans, appearing on the labels of a portion of the said cans, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said cans did not contain red kidney beans.

On or about October 23, 1922, George Van Camp & Sons Co., having theretofore entered an appearance as claimant for the property, the case came on for final disposition before the court and a jury. The claimant not appearing at the trial, after the submission of evidence and argument by counsel for the Government, the court charged the jury, which, without leaving the jury box, found for the Government. On October 24, 1922, judgments of the court