

**5447. Adulteration and misbranding of baked beans. U. S. \* \* \* v. 50 Cases \* \* \* of Baked Beans. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 8072. I. S. No. 11059-m. S. No. C-650.)**

On February 10, 1917, the United States attorney for the District of Minnesota, 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 50 cases of baked beans, remaining unsold in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped on or about January 20, 1917, by the Union Packing Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunset Brand Baked Beans with tomato sauce Packed by the Union Packing Company, Omaha, Nebraska \* \* \*."

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

Misbranding was alleged for the reason that the statement, to wit, "Baked Beans," was false and misleading and deceived and misled the purchaser, an examination having shown that the product was not baked beans, but beans cooked by another process.

On April 2, 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 sold by the United States marshal and that the purchaser should furnish a good and sufficient bond, conditioned in part that said beans would not be used for human consumption.

CARL VROOMAN, *Acting Secretary of Agriculture.*