

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1250.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WHITE OATS.

On March 23, 1910, the United States Attorney for the Eastern District of Louisiana, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 300 sacks of oats in the possession of John T. Gibbons and the Langenberg Hay & Grain Co., New Orleans, La. The product was not branded or labeled in any way, but was invoiced as No. 3 white oats. The libel alleged that the oats after shipment by the Pendleton Grain Co. (Inc.), St. Louis, Mo., from the State of Missouri into the State of Louisiana, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation.

Examination of samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed there was present in said product white oats ranging in proportion from 69.5 to 75 per cent; black oats, 2.3 per cent; barley, wheat, and other seed, 20.7 to 26.6 per cent, and inert matter from 1.6 to 2 per cent. Adulteration was alleged against said product for the reason that there had been mixed and packed with said oats a quantity of wheat, barley, and other seed, stems, hulls, chaff, and inert matter so as to reduce, lower, and injuriously affect its quality and strength, which substances had been substituted in part for said oats. Misbranding was alleged because said product was sold under the distinctive name of another article, to wit, No. 3 white oats, when the product was not such, but was a mixture of white oats, wheat, barley, and other seed, stems, hulls, chaff, and inert matter.

On May 5, 1910, the cause coming on to be heard, and answer having been filed by John T. Gibbons, and the Pendleton Grain Co., admitting the allegations of the libel and asking for the release of the product upon the payment of costs and filing of bond, in accordance with the requirements of law, the court entered a decree finding the oats adulterated and misbranded, as alleged in the libel, and condemning and forfeiting them to the United States, with the proviso, however, that the product should be released to claimants upon the payment of all costs, and giving of bonds in amounts satisfactory to the court, conditioned that the product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 14, 1911.*