

3599. Misbranding of so-called extra fancy rice. U. S. v. 18 Sacks of Rice. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5660. I. S. No. 8035-h. S. No. E-17.)

On April 4, 1914, the United States attorney for the Eastern District of North Carolina, 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 18 sacks, each containing 100 pounds of rice, remaining unsold in the original unbroken packages at Goldsboro, N. C., alleging that the product had been shipped on October 8, 1913, and transported from the State of Louisiana into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Fancy Rice—2650—100 pounds—Domestic Honduras—Grown in United States—Coated with glucose and talc—Remove by washing before using."

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, and the second paragraph, under food, of the Food and Drugs Act of June 30, 1906, in that each of said sacks was labeled and recommended [branded] as "Extra Fancy Rice," whereas, in fact and in truth, it was a very inferior grade of rice, containing 36 per cent of whole grains and apparently a mixture of lower grades, and some fancy head rice, and was not of such quality as to entitle it to the label "Extra Fancy Rice."

On August 3, 1914, A. Oettinger, Goldsboro, N. C., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the execution of bond in the sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 19, 1915.*