

**4225. Adulteration and misbranding of oats. U. S. \* \* \* v. 250 Bags \* \* \* of \* \* \* Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6511. I. S. No. 3137-k. S. No. E-261.)**

On or about May 5, 1915, the United States attorney for the Southern District of West 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 250 bags, more or less, of oats, each bag containing 160 pounds, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped, on or about April 12, 1915, by Callahan & Sons, Louisville, Ky., and transported from the State of Illinois into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "160 lbs. Virginia White Oats Special Reg. U. S. Pat Off."

Adulteration of the article was alleged in the libel for the reason that said oats contained barley screenings, weed seed, and other foreign substances which had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that said oats were branded as "Virginia White Oats," when, in truth and in fact, said article was not "Virginia White Oats," but was a mixture of oats, oat screenings, weed seeds, and other foreign substances.

On June 2, 1915, the said Callahan & Sons, claimant, having filed its answer, and the cause having been submitted by agreement of counsel to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$465, in conformity with section 10 of the act.

(The report of this department, upon which the proceedings in this case were based, stated that the sample examined contained 25.04 per cent barley and 28 per cent screenings.)

C. F. MARVIN, *Acting Secretary of Agriculture.*