

4242. Adulteration and misbranding of oats. U. S. * * * v. 300 Bags * * * and 300 Bags * * * of Oats. Consent decrees of condemnation and forfeiture. Product ordered released on bond.
(F. & D. Nos. 6537, 6538. I. S. Nos. 3141-k, 3142-k. S. No. E-269.)

On or about May 14, 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 two libels for the seizure and condemnation of 300 bags and 300 bags, each containing 160 pounds of oats, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped, on or about May 1, 1915, by Callahan & Sons, Louisville, Ky., and transported from the State of Kentucky into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, in part: "160 lbs. White Oats Special * * *."

Adulteration of the product was alleged in the libels for the reason that said oats contained about 18 per cent of barley and 2 per cent of dirt, which had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and which said foreign substances had been substituted in part for the said article.

Misbranding was alleged for the reason that said oats were branded as "White Oats Special," when, in truth and in fact, said article was not "White Oats Special," but was a mixture of oats, barley, dirt, and other foreign substances.

On June 2, 1915, the cause having been submitted by agreement of counsel to the court, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product in each case should be delivered to Callahan & Sons, Louisville, Ky., claimant, upon payment of all costs of proceedings and the execution of bond in one case in the sum of \$625, and in the other case in the sum of \$615, in conformity with section 10 of the act.

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