

**4519. Adulteration and misbranding of oats. U. S. \* \* \* v. 158 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6681. I. S. No. 3387-k. S. No. E-340.)**

On July 2, 1915, the United States attorney for the Southern District of Florida, 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 158 sacks, each containing about 99 $\frac{1}{4}$  pounds, of an article purporting to be oats, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on May 26, 1915, and transported from the State of Tennessee into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "W. R. Tate Red Star Oats, Nashville, Tenn. 99 $\frac{1}{4}$  Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it was labeled as "Red Star Oats," and other substances, to wit, barley, wheat, chaff, and weed seeds, had been substituted in part for said oats and had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof.

Misbranding was alleged for the reason that the statement "W. R. Tate Red Star Oats, Nashville, Tenn. 99 $\frac{1}{4}$  Lbs.," was a false and misleading statement as to the ingredients and substances contained in the sacks in that they contained (in addition to oats) barley, wheat, chaff, and weed seeds. Misbranding was alleged for the further reason that the statement "W. R. Tate Red Star Oats, Nashville, Tenn. 99 $\frac{1}{4}$  Lbs. Net," was a false and misleading statement as to the number of pounds of feed contained in the sacks, in that they contained an average of 95 $\frac{1}{4}$  pounds gross, or a shortage of more than 4 pounds per sack.

On July 9, 1915, W. R. Tate, Nashville, Tenn., claimant, having filed his answer admitting the allegations of 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 payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions being that the oats should be properly labeled before the sale thereof.

*CARL VROOMAN, Acting Secretary of Agriculture.*