

**4959. Adulteration and misbranding of pork and beans. U. S. \* \* \* v. 100 Cases \* \* \* of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7281. I. S. No. 10135-1. S. No. C-465.)**

On April 4, 1916, the United States attorney for the Northern District of Illinois, 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 100 cases, each containing 24 cans, of pork and beans remaining unsold in the original unbroken packages at Sterling, Ill., alleging that the product had been shipped by the Wisconsin Pea Cannery Co., Manitowoc, Wis., on November 30, 1915, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a decomposed animal substance. Adulteration was alleged for the further reason that a certain quantity of a substance known as annatto, an artificial color, had been mixed with the article in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that each of the cans containing the article bore a label in words and figures as follows, to wit, "Eureka brand high grade pure food products pork and beans with tomato sauce. Packed by Wisconsin Pea Cannery Company Manitowoc Wisconsin. Contents 1 lb 12 oz.," which said statement appearing on each of the labels was false and misleading in that it represented to the purchaser that the article contained tomato sauce, and for the further reason that it deceived and misled the purchaser into the belief that the article contained tomato sauce, whereas in truth and in fact it did not.

On June 19, 1916, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*