

5756. Adulteration and misbranding of baked beans. U. S. * * * v. 160 Cases * * * of Baked Beans with Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8066. I. S. No. 12058-m. S. No. C-649.)

On February 8, 1917, the United States attorney for the Southern District of Iowa, 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 160 cases of baked beans with tomato sauce, remaining unsold in the original unbroken packages at Ottumwa, Iowa, alleging that the article had been shipped on or about December 18, 1916, by the Union Packing Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dependable Brand Baked Beans with Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance. It was further alleged that the product was not baked beans, as set forth on its labels, but beans cooked by another process and therefore misbranded, and the statement, "Baked Beans," found on the label of the product was false and misleading.

On October 23, 1917, no claimant having appeared for the property, 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, and that the empty cases or containers, if suitable for sale, should be sold by said marshal and the proceeds thereof be applied to the payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*