

6320. Adulteration and misbranding of alleged mustard seed. U. S. * * * v. 25 Bags * * * of a Product Purporting to be Mustard Seed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7531. I. S. No. 3619-1. S. No. E-847.)

On June 12, 1916, the United States attorney for the Eastern District of Pennsylvania, 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 25 bags, each containing approximately 160 pounds of a product purporting to be mustard seed, consigned by L. S. Nachman, Chicago, Ill., remaining unsold in the original, unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 2, 1916, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced in part as "Goldengate Mustard Seed."

Adulteration of the article was alleged in the libel for the reason that Indian yellow rapeseed had been substituted wholly for mustard seed, which the article purported to be

Misbranding of the article was alleged for the reason that it was invoiced as "25 bags Goldengate Mustard Seed HKSF 4058," which indicated to the purchaser that the product was mustard seed, when, in fact, it was Indian yellow rapeseed, and therefore was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, mustard seed.

On October 22, 1918, Gilbert S. Mann, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled under the supervision of this department.

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