

**6699. Misbranding of Lima beans. U. S. \* \* \* v. 235 Cases \* \* \* of Lima Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9034. I. S. No. 8955-p. S. No. C-889.)**

On May 15, 1918, the United States attorney for the District of Kansas, 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 235 cases, each containing 2 dozen cans of Lima beans, remaining unsold in the original unbroken packages at Salina, Kans., alleging that the article had been shipped on or about January 14, 1918, by the H. D. Lee Mercantile Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Summer Girl Brand (device of beans in green pods) Lima Beans."

Misbranding of the article was alleged in substance in the libel for the reason that the brand or label on the cases and cans did not truthfully state the correct nature of the contents and product contained in said cases and cans, and that said labels were misleading and false.

On June 10, 1918, the said H. D. Lee Mercantile Co., claimant, having consented to a decree, 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 \$250, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the true nature and character of the contents thereof.

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