

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2177.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED BEANS.

On January 23, 1912, 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 50 cases, each containing 24 cans of beans, remaining unsold in the original unbroken packages and in possession of the Aylesbury Mercantile Co., Wichita, Kans., alleging that the product had been shipped on or about October 6, 1911, by the United States Canning Co. (W. H. Sterling and A. R. Moore, receivers), Fredonia, N. Y., and transported from the State of New York into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Amerco Brand Soaked Lima Beans." (On cans) "Amerco Brand Lima Beans Packed for the Aylesbury Mercantile Co., Wichita, Kansas. This brand is a guarantee of high quality goods. Amerco Brand Lima Beans. Packed for the Aylesbury Mercantile Co., Wichita, Kansas." The word "soaked" was stamped on the label with an ink similar in shade to the background of the label.

Misbranding was alleged in the libel for the reason that the product was labeled in such an indistinct and illegible manner as not sufficiently to forewarn the purchaser or consumer of the quality of said beans, in that in the device upon the label, consisting of a dish of lima beans, the coloring was lighter than the body or background of the label and directly over this light portion was indistinctly stamped in ink of a similar shade to that of said device the word "soaked," but in such an indistinct and illegible manner as to be inconspicuous and not of sufficient prominence to forewarn the purchaser or consumer of the quality of said beans, and the label was, as a whole, deceptive and misleading.

On March 18, 1912, the said Aylesbury Mercantile Co., claimant, having admitted the allegations in the libel, the court found in favor of the United States. It was further ordered that the product should

be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 6, 1913.*

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