

4250. Adulteration and misbranding of oats. U. S. * * * v. 48,000 Pounds of Oats * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6579. I. S. No. 11688-k. S. No. E-300.)

On June 4, 1915, the United States attorney for the Western District of Virginia, 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 48,000 pounds of oats, remaining unsold and unloaded from the car at St. Paul, Va., alleging that the product had been shipped by Callahan & Sons, Inc., Louisville, Ky., on May 27, 1915, and transported from the State of Kentucky into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated and misbranded [in] that it purported to be 48,000 pounds of oats and [was] in sacks of approximately 160 pounds each, labeled "Dixie White Oats Special," and billed as sacked oats, and that said adulteration [and misbranding] of said article was that it contained 12.5 per cent barley and was heavily bleached.

On June 29, 1915, the said Callahan & Sons, claimant, having filed its claim and the cause having been submitted to the court by agreement of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,000, in conformity with section 10 of the act.

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