

4304. Adulteration of beans. U. S. * * * v. 500 Bags of Beans * * *.
Consent decree of condemnation and forfeiture. Product ordered
released on bond. (F. & D. Nos. 6848, 6847. I. S. Nos. 11213-1, 11214-1.
S. Nos. C-314, C-315.)

On September 3, 1915, the United States attorney for the Northern District of Ohio, 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 500 bags, each containing 165 pounds, more or less, of beans, remaining unsold in the original unbroken packages at Elyria, Ohio, alleging that the product had been shipped on or about April 17, 1915, and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The bags were labeled: "Packed by Chatterton & Son, Mt. Pleasant, Mich. and weighed 165 Lbs. Net."

It was alleged in the libel that examination in the Bureau of Chemistry of samples showed the product to consist in part of decomposed vegetable matter, the presence of which in said beans rendered the same a filthy and decomposed vegetable substance unfit for food, or as an ingredient of food, and on account of the condition of said beans it was charged that the product was adulterated in violation of paragraph 6, under "Food," of section 7 of the act of Congress approved June 30, 1906, and commonly known and designated as the Food and Drugs Act.

On September 18, 1915, C. C. McDonald, doing business as the Elyria Canning Co., Elyria, Ohio, having filed an answer and claim, admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$2,500, in conformity with section 10 of the act. It was provided, further, that if any part of the product was to be used for food purposes, the same should be picked and sorted and prepared for such food purposes under the supervision of an inspector of the Department of Agriculture having supervision over food products, and [that the product] should satisfy the standard of said department.

CARL VROOMAN, *Acting Secretary of Agriculture.*