

4491. Adulteration and misbranding of oats. U. S. v. 25,000 Pounds of Sacked Oats. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6592. I. S. No. 16107-k. S. No. E-306.)

On June 7, 1915, the United States attorney for the Southern District of Georgia, 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 25,000 pounds of oats, in bags purporting to contain 128 pounds each, remaining unsold in the original unbroken packages at Waycross, Ga., alleging that the product had been shipped, on or about May 31, 1915, by Callahan & Sons, Inc., Louisville, Ky., and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the bags was labeled "128 pounds Georgia White Oats Special."

Adulteration was alleged in the libel for the reason that the product was bleached and contained 20.1 (per cent) of barley screenings.

Misbranding was alleged for the reason that the labels indicated that the product was natural white oats, when, in fact, it consisted of a bleached mixture of oats and barley screenings.

On June 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, if any claimant should within 60 days file bond in the sum of \$100 in conformity with section 10 of the act and should pay the costs of the proceeding, the product should be delivered to such claimant. Thereafter the said Callahan & Sons, Inc., having complied with the terms of the decree, the oats were delivered to said claimant.

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