

**4714. Misbranding of feed. U. S. \* \* \* v. 300 Sacks of "Big K Sweet Dairy Feed." Decree of condemnation and forfeiture after submission to a jury. Product ordered released on bond. (F. & D. No. 7166. I. S. No. 2370-I. S. No. E-533.)**

On January 25, 1916, the United States attorney for the Eastern District of South Carolina, 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 300 sacks, each containing 100 pounds, of "Big K Sweet Dairy Feed," remaining unsold in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped, on or about November 13, 1915, by John Wade & Sons, Memphis, Tenn., and transported from the State of Tennessee into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "395. 100 pounds of Big K Sweet Dairy Feed Manufactured for Kirkland Distributing Co. Columbia, S. C. Guaranteed Average Analysis Protein 15.50 Fat 3.50. Fibre (not over) 13.00 Carbohydrates 45.00 Made from Dry Brewers Grains, C. S. Meal. Alfalfa Meal. Molasses."

Misbranding of the article was alleged in the libel for the reason that it was deficient in protein and fat and contained excessive crude fiber, and the statements on the labels, marks, and brands as to the amounts of said ingredients were false and misleading and thereby deceived and misled the purchaser.

On March 11, 1916, no claimant having appeared for the property, witnesses were examined in open court and the case submitted to a jury for its deliberation. After due consideration the jury returned into court with a verdict in favor of the Government, and thereupon an order was taken condemning and confiscating the feed to the use of the United States and directing the marshal to sell the same after due advertisement.

On March 30, 1916, John Wade & Sons, Memphis, Tenn., claimants, petitioned the court to reopen the case and set aside the order for the sale of the property, and on said date the order of sale was set aside. It was thereupon ordered by the court that the property should be delivered to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

**4715. Adulteration of canned pork and beans. U. S. \* \* \* v. 229 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 7167. I. S. Nos. 2415-1, 2416-1, 2417-1. S. No. E-536.)

On January 21, 1916, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 229 cases of pork and beans, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On February 19, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*