

**4785. Adulteration and misbranding of pork and beans. U. S. \* \* \* v. 600 Cases \* \* \* of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7443. I. S. No. 4514-1. S. No. E-612.)**

On May 17, 1916, the United States attorney for the Western District of Pennsylvania, 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 600 cases of pork and beans, consigned by the Elyria Canning Co., Elyria, Ohio, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the articles had been shipped, on or about February 19, 1916, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "Liberty Pork and Beans with Tomato Sauce Liberty Brand Good for 1 Coupon Contents 2 lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a decomposed vegetable substance unfit for food, 20 [20.2] per cent of the article being partly decomposed beans.

Misbranding was alleged for the reason that the quantity of contents in each can of the article was stated in terms of weight, and examination showed an average shortage of 6.5 per cent.

On June 2, 1916, the said Elyria Canning Co., claimant, having entered its appearance and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered to said claimant company 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.*