

4786. Adulteration and misbranding of pork and beans. U. S. * * * v. 350 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7447. I. S. No. 4516-1. S. No. E-618.)

On May 18, 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 350 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 article had been shipped and transported from the State of Ohio into the State of Pennsylvania, the shipment having been received on or about March 13, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: (On cases) "2 Dozen No. 2½ Cans Natoma Brand Pork and Beans with Tomato Sauce." (On retail packages) "Natoma Brand Pork and Beans Tomato Sauce. Contents 2 lbs or over."

Adulteration of the articles was alleged in the libel for the reason that it consisted, in whole or in part, of a decomposed vegetable substance unfit for food, 11.7 per cent of the same being partly decomposed beans.

Misbranding was alleged for the reason that the article was food in package form and failed to bear a correct statement of the quantity of the contents, examination showing an average shortage in weight of 6.6 per cent from the declared contents.

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.*