

4789. Adulteration and misbranding of pork and beans. U. S. * * * v. 150 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7461. I. S. Nos. 4517-1, 4518-1. S. No. E-626.)

On May 23, 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 150 cases of pork and beans, consigned by Hart Bros., Saginaw, Mich., remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped, on or about February 11, 1916, and transported from the State of Michigan into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "Shepherd Brand Pork and Beans with Tomato Sauce Contents 1 pound 12 ounces."

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, 18.6 per cent of the same being partly decomposed beans.

Misbranding was alleged for the reason that the article consisted of 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 2.8 per cent from the declared contents.

On June 10, 1916, and July 18, 1916, the said Hart Bros., claimants, having entered their appearance and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be surrendered to said claimants upon payment of all the costs of the proceedings and the execution of bond in the aggregate sum of \$750, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*