

4791. Adulteration and misbranding of pork and beans. U. S. * * * v. 350 Cases of Pork and Beans. Product ordered released on bond. (F. & D. No. 7467. I. S. No. 604-1. S. No. E-613.)

On May 27, 1916, the United States attorney for the Middle 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, each containing two dozen cans, of pork and beans, remaining unsold in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the Dyer Packing Co., Vincennes, Ind., and transported from the State of Indiana into the State of Pennsylvania, the shipment having been received on or about January 28, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "Moneyworth Brand Pork and Beans with Tomato Sauce. * * * Weight of contents 1 lb. 12 oz. Packed by Dyer Packing Co., Vincennes, Ind."

Adulteration of the article was alleged in the libel for the reason that soya beans had been substituted in part for the pea or navy beans in the article, 50 per cent of the product being soya beans.

Misbranding was alleged for the reason that the label of the article was false and misleading and deceived and misled the purchaser, in that soya beans had been substituted in part for pea or navy beans, 50 per cent of the article being soya beans.

On June 7, 1916, the said Dyer Packing Co., claimant, having filed bond in the sum of \$1,000 in conformity with section 10 of the act, which bond was approved by the court, it was ordered that the product should be released to said claimant for the purpose of having same properly relabeled.

CARL VROOMAN, *Acting Secretary of Agriculture.*