

4799. Adulteration and misbranding of oats. U. S. v. 20 Sacks of Oats. Tried to the court and a jury. Verdict in favor of the United States. Default decree ordering the sale of the property. (F. & D. No. 305-c.)

On March 14, 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 20 sacks, each containing 160 pounds, of oats, remaining unsold in the original unbroken packages at Leesville, S. C., alleging that the article had been shipped on February 5, 1916, by the Tennessee Grain Co., Nashville, Tenn., and transported from the State of Tennessee into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the packages did not contain oats alone, but other substances, to wit, wheat, weed seed, and chaff had been mixed and packed with the oats so as to reduce and lower and injuriously affect their quality and strength, and had been substituted in part for said oats.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, mixed oats, whereas it contained a mixture of oats, wheat, weed seed, and chaff.

On June 9, 1916, the case having come on for hearing, and having been submitted to a jury without contest, a finding was made by the jury in favor of the United States, and thereupon a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*