

5011. Adulteration and misbranding of oats. U. S. * * * v. 150 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 318-c.)

On January 3, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Commissioner of Agriculture, Commerce, and Industries of South Carolina, authorized 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 sacks, each containing 160 pounds, of oats, remaining unsold in the original unbroken packages at Sumter, S. C., alleging that the article had been shipped on November 17, 1916, by the Mayo Milling Co. (Inc.), Richmond, Va., and transported from the State of Virginia 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 said packages did not contain oats alone, but that another substance—to wit, foreign seeds—consisting of approximately 32.13 per cent light and unfilled barley, 1.58 per cent shriveled wheat, 8.19 per cent weed seeds, and a few grains of moldy corn, and in addition 0.60 per cent trash and dirt had been mixed and packed with the oats so as to reduce, 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 oats, whereas it contained a mixture of oats, 41.87 per cent foreign seeds, and 0.60 per cent trash and dirt.

On January 27, 1916, the said Mayo Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$350, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*