

**5144. Adulteration of oats. U. S. \* \* \* v. 1,750 Bushels of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7455. I. S. No. 4215-1. S. No. E-614.)**

On May 20, 1916, the United States attorney for the Southern District of New York, 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 1,750 bushels of oats, consigned on or about February 21, 1916, and remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. Kempner & Co., Chicago, Ill., and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that barley and burnt oats had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of said article, and had been substituted wholly or in part therefor.

On July 20, 1916, Thomas Lenane, New York, N. Y., claimant, having filed his answer admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be delivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that said article should not be sold or labeled otherwise than as containing at least 13 per cent of barley and at least 22 per cent of bin-burnt oats.

CARL VROOMAN, *Acting Secretary of Agriculture.*