

5777. Adulteration and misbranding of pork and beans. U. S. * * * v. 100 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8192. I. S. No. 22206-m. S. No. W-174.)

On March 20, 1917, the United States attorney for the Northern District of California, 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 100 cases, each containing 48 cans of pork and beans, consigned by William Cluff Co., San Francisco, Cal., remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been delivered for shipment on or about March 17, 1917, for transportation from the State of California into the Territory of Hawaii, and charging *adulteration and misbranding in violation of the Food and Drugs Act*. The article was labeled in part, "Thelma Brand Pork and Beans * * * are unexcelled as a nutritious and palatable food product, contains only 5% of starch."

Adulteration of the article was alleged in the libel for the reason that soya beans had been substituted wholly for navy beans.

Misbranding of the article was alleged for the reason that the statements on the label were false and misleading and deceived and misled the purchaser.

On March 24, 1917, O. A. Nelson & Co., San Francisco, Cal., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

CARL VROOMAN, Acting Secretary of Agriculture.