

purchaser thereof into believing that said potatoes in each of said sacks as aforesaid were then and there of the net weight of 150 pounds, when, in fact, said potatoes in each of said sacks did not weigh 150 pounds net. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents of each of said 120 sacks was not plainly and conspicuously marked on the outside of said sacks in terms of weight, measure, or numerical count.

On December 26, 1919, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7722. Adulteration and misbranding of wheat middlings. U. S. \* \* \* v. 340 Sacks of a Product Purporting to be Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12227. I. S. No. 24639-r. S. No. C-1800.)**

On March 5, 1920, the United States attorney for the District of Indiana, 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 condemnation and forfeiture of 340 sacks of a product purporting to be wheat middlings, remaining unsold in the original unbroken packages at Rochester, Ind., consigned on or about November 6, 1919, by Larson & Orwell, Reville, S. D., and invoiced by Dixon Cereal & Feed Co., Dixon, Ill., as consignor, and transported from the State of South Dakota into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was invoiced as "Wheat Middlings."

Adulteration of the article was alleged in the libel for the reason that reground bran and ground and unground screenings had been mixed and packed with, and substituted in part for, wheat middlings, so as to reduce, lower, and injuriously affect its quality.

Misbranding of the article was alleged for the reason that the article was an imitation of wheat middlings, consisting in part of reground bran and ground and unground screenings, and had been offered for sale under the distinctive name of wheat middlings. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents of said product in each of said sacks was not then and there plainly and conspicuously marked on the outside of said sacks in terms of weight or measure.

On May 13, 1920, William J. Leiter, Rochester, Ind., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7723. Misbranding of potatoes. U. S. \* \* \* v. 42 Sacks of Potatoes. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 11401. I. S. No. 7334-r. S. No. C-1523.)**

On October 13, 1919, the United States attorney for the District of Indiana, 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 condemnation and forfeiture of 42 sacks of potatoes, remaining unsold in the original unbroken packages at Terre Haute, Ind., consigned on or about September 2, 1919, and received from