

Sheridan, Oreg., remaining unsold in the original unbroken cans at St. Louis, Mo., alleging that the article had been shipped from Sheridan, Oreg., August 19, 1920, and transported from the State of Oregon into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Graves Extra Standard Water Royal Anne Cherries * * * Packed by Graves Canning Company, Sheridan, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10139. Adulteration of bulk oats. U. S. * * * v. 63,600 Pounds * * * of Bulk Oats, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15486, 15507, 15509, 15510. I. S. Nos. 841-t, 876-t, 877-t, 879-t, 880-t, 881-t, 882-t, 883-t. S. Nos. C-3274, C-3283, C-3284, C-3285, C-3289, C-3290.)

On October 21, 26, 28, and 29, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 520,500 pounds of bulk oats, remaining unsold at Chicago, Ill., alleging that the article had been shipped by B. B. Anderson & Sons, Estherville, Iowa, October 3, 13, 17, 18, and 20, 1921, respectively, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that dirt, chaff, weed seeds, and foreign grains had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and for the further reason that the said substances had been mixed with the article in a manner whereby damage and inferiority were concealed.

On October 27 and 29 and November 3 and 5, 1921, respectively, E. P. Bacon & Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the article be relabeled and sold as "Screenings and Oats," under the supervision of the United States marshal and a representative of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10140. Adulteration and misbranding of brown shorts. U. S. * * * v. 600 Sacks * * * of Brown Shorts. Judgment by consent ordering release of the product under bond. (F. & D. No. 12967. I. S. No. 122-r. S. No. E-2363.)

On June 26, 1920, 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 600 sacks of brown shorts, remaining in the original unbroken packages at Dillon, S. C., consigned by the Gateway Milling Co., Kansas City, Mo., June 4, 1920, alleging that the article had been shipped from Kansas City, Mo., and transported from the State of Missouri into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Gateway Brown Shorts * * *"

It was alleged in the libel that the article was adulterated in that a mixture of wheat shorts and reground bran had been mixed and packed with, and substituted wholly or in part for, brown shorts.

Misbranding was alleged in substance for the reason that the statement "Brown Shorts, made from Wheat Shorts, Red Dog Flour, Wheat Bran and Screenings," was false and misleading and deceived and misled the purchaser, in that the said statement was applied to the article knowingly and in wanton disregard of its truth or falsity and with intent to deceive purchasers of the said product. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.