

It is therefore ordered, adjudged, and decreed that the said seven hundred and eighty-five cases of canned peas be, and the same are hereby, condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the Court that the costs in this case, taxed at \$—, have been paid by the claimant, the P. Hohenadel, jr., Canning Company, and the claimant having filed herein a good and sufficient bond, to the effect that the said seven hundred and eighty-five cases of canned peas shall not be sold or otherwise disposed of contrary to the provisions of Food and Drugs Act, June 30, 1906,

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said seven hundred and eighty-five cases of canned peas and restore the same to the claimant, the P. Hohenadel, jr., Canning Company.

The facts in this case were as follows:

On or about September 30, 1908, an inspector of the Department of Agriculture found in the possession of the Bement Rea Company, Terre Haute, Ind., 785 cases of canned peas which had been packed and shipped to it by the P. Hohenadel, jr., Canning Company, Rochelle, Ill., on July 31, 1907. The shipping cases, each of which contained 26 cans, were labeled and branded "2 Doz. 2 lb. Cans, Choice Standard Peas. Packed by P. Hohenadel, jr., and Co., Rochelle, Ill." A number of the cans were weighed by the inspector and the average weight per can was found to be 1 pound, 10 ounces, gross.

On September 30, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Indiana, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1909.*

(N. J. 44.)

MISBRANDING OF MEAL.

(AS TO MILLING PROCESS.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 11th day of November, 1908, in the district court of the United States for the

eastern district of Virginia, in a proceeding of libel for condemnation of 400 sacks of misbranded meal, wherein the United States was libelant and S. W. Weilder, Cincinnati, Ohio, was claimant, the said claimant having admitted the allegations of the libel, a decree of forfeiture and condemnation and redelivery to the claimant was rendered in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA.

THE UNITED STATES OF AMERICA, <i>Libelant.</i>	}
<i>vs.</i>	
FOUR HUNDRED SACKS OF MEAL, WHEREOF S. W. Weilder is claimant, <i>Respondent.</i>	

On motion of the district attorney, and it appearing to the court that upon the libel filed herein on the 5th day of September, 1908, monition was duly issued and served, and by virtue of such process the marshal seized and took into his possession the four hundred sacks of meal, labeled and branded as "Old Log Cabin Meal, Best Water Ground Style;" and it further appearing that the claimant of said meal, S. W. Weilder, appeared before this court on the 29th day of September, 1908, and consented that a decree of condemnation should be entered in accordance with the prayer of the libel, it is, therefore, now

Adjudged, ordered, and decreed that the said four hundred sacks of meal, labeled and branded as aforesaid, be, and they are hereby, declared, as charged in the libel, to be misbranded, in violation of the act of June 30, 1906, contained in 34 Statutes at Large, page 768, et seq., entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," and it is further ordered that the said four hundred sacks of meal, branded as aforesaid, be, and they are hereby, condemned and ordered to be disposed of by sale at public auction by the marshal, after due advertisement for five days in some newspaper published in the city of Norfolk, Virginia, as prayed for in said libel, and provided for in the said act of June 30, 1906, the proceeds arising from such sale, less the legal costs and charges, to be paid into the Treasury of the United States.

It is provided, however, that upon payment, within thirty days from date of this decree, of all costs of this proceeding, including the expenses incurred by the marshal in and about the seizure of said meal and the storage and watching of and insurance upon the same, the said meal may be delivered to the said claimant in compliance with the terms of the bond in the penalty of \$500 heretofore filed in accordance with section 10 of the aforesaid act, or the laws of any State, Territory, District, or insular possession of the United States, and that the said meal shall be properly labelled and branded in accordance with said act.

EDMUND WADDILL, Jr.,
U. S. District Judge.

The facts in the case were as follows:

On or about September 3, 1908, an inspector of the Department of Agriculture located en route between Covington, Ky., and Norfolk, Va., four hundred sacks of meal containing ninety-six pounds each, labeled "Old Log Cabin Meal. Fresh Ground Meal. Best Water Ground Style.

LeGrand, Threadcroft Co., Sole Agents for Eastern Virginia and North Carolina." The meal was destined for a dealer at Norfolk, Va., and had been shipped via the Chesapeake and Ohio Railroad from Covington, Ky., by the S. W. Weilder Co., of Cincinnati, Ohio, to itself, with instructions to notify the LeGrand, Threadcroft Company, Norfolk, Va.

Previous investigations of one of the inspectors of the Department of Agriculture had developed that the output of the mill where this meal was produced was not ground by the water process or in burr mills, but by steam roller process. Hence the statement on the sacks "Best Water Ground Style" was false, misleading, and deceptive and the meal was misbranded within the meaning of section 8 of the Food and Drugs Act. Upon report of the inspector of the foregoing facts, the Secretary of Agriculture, on September 4, 1908, reported them to the United States attorney for the eastern district of Virginia. Libel for seizure and condemnation of the meal was duly filed under section 10 of the act, and upon its arrival at Norfolk, Va., seizure was effected and notice given to S. W. Weilder, the consignor and claimant, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,
Board of Food and Drug Inspection.

Approved:
JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1909.*

(N. J. 45.)

ADULTERATION AND MISBRANDING OF WHISKEY.

(AS TO COLOR, AGE, AND SOURCE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 4 barrels of liquor purporting to be whiskey, a proceeding of libel for condemnation of said liquor, wherein Chas. H. Ross & Company, Baltimore, Md., were claimants, lately pending, and finally determined on November 12, 1908, in the supreme court of the District of Columbia by the rendition of a decree of forfeiture and condemnation, and redelivery to the claimants under section 10 of the act, as will more fully appear by reference to said decree hereinafter particularly set out.

The said four barrels of liquor were each labeled and branded on the label end thereof "J. Jackson, Old Rye Whiskey," and on the stamp