

(N. J. 101.)

ADULTERATION OF OATS.

(MIXED WITH BARLEY AND OTHER FOREIGN GRAINS.)

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.* 3,000 bushels of oats, more or less, contained in two cars, a proceeding of libel for seizure and condemnation of said oats under section 10 of the aforesaid act, lately pending, and finally determined on April 6, 1909, in the district court of the United States for the northern district of Georgia, wherein the Interstate Warehouse and Elevator Company, a corporation, of St. Louis, Mo., was claimant. The oats were adulterated within the meaning of section 7 of the aforesaid act, for that, whereas the oats were consigned and sold as "No. 3 white oats," other substances, namely, barley, chaff, and other seeds not oats, had been mixed therewith so as to reduce and lower the quality and strength of the oats and said substances had been substituted in part for oats.

The claimant having admitted the allegations of the libel, and the case having come on for final hearing on April 6, 1909, a decree of forfeiture and condemnation as hereinbelow set out was rendered, and the goods were redelivered to claimant under bond in accordance with the provisions of the act.

IN THE DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF
GEORGIA, MARCH TERM, 1909.

THE UNITED STATES

vs.

TWO CAR LOADS OF ABOUT THREE THOUSAND
bushels of oats, purporting to be No. 3 White
Oats, shipped in L. and N. cars Nos. 91862 and
91113, consigned S. Order Notify T. H. Brooke &
Co., Atlanta, Ga., Interstate Warehouse and Ele-
vator Company, Claimant.

No. 119. Libel in Rem.

DECREE.

Now, on this day this cause coming on for hearing on the agreed stipulation and consent of the parties, and the cause being submitted by the parties hereto upon the pleadings and admissions of the intervening claimant, the Interstate Warehouse and Elevator Company, and the said claimant, by its attorney, having appeared in court and having waived the time and place of hearing, and having admitted the allegations and charges contained in the libel of information, and having consented that a final decree of condemnation be made in said case, as provided for in section 10 of the act of Congress of June 30, 1906:

Wherefore, it is considered ordered, adjudged, and decreed by the court that the United States marshal shall label and brand said oats, and the bags containing the same, as follows, to-wit: "White Oats and Barley Mixed;" that the said marshal shall advertise and sell said oats as provided by law, and shall, out of the proceeds of such sale, pay all costs, expenses, and legal charges incident to said seizure and proceedings in said case, including the freight on said oats, the cost of sacking and storage, and pay the remainder, if any, into the Treasury of the United States, as provided in section 10 of said act of Congress: *Provided,*

however, That the said Interstate Warehouse and Elevator Company, the intervenor herein, upon the payment of all the costs of this libel, including the costs of seizure, removal, storage, freight charges, and all the expenses incurred therein, and upon the execution and delivery of a good and sufficient bond, with security, in the sum of \$1,600, conditioned that the said Interstate Warehouse and Elevator Company, claimant as aforesaid, shall label said goods in accordance with the judgment of this court, to-wit, as "White Oats and Barley Mixed," and further conditioned, that said Interstate Warehouse and Elevator Company will not sell or dispose of said goods in violation of the laws of the United States, or the laws of any State, Territory, District or Insular Possession of the United States, then the said Interstate Warehouse and Elevator Company shall have the right to the possession of said goods now in the possession of the United States marshal, and the said United States marshal, and his lawful deputies, are hereby directed to deliver to the said Interstate Warehouse and Elevator Company the aforesaid goods upon the execution and delivery of the aforesaid bond and the payment of the aforesaid costs, expenses, and charges within twenty days from this date.

In open court this the 6th day of April, 1909.

WM. T. NEWMAN, *U. S. Judge.*

The facts in the case were as follows: On March 24, 1909, R. E. Stallings, State chemist of Georgia, acting under directions of Hon. T. G. Hudson, commissioner of agriculture of said State, in pursuance of the authorization of the Secretary of Agriculture of the United States, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in Atlanta, Ga., a consignment of two carloads of grain purporting to be "No. 3 White Oats," samples of which were taken and analyzed. The oats had been shipped by the Interstate Warehouse and Elevator Company from St. Louis, Mo., on or about March 17, 1909, to Atlanta, Ga., with instructions to notify T. H. Brooke & Co., of the last named city. The analysis disclosed that the oats in one of the cars contained 19.25 per cent of barley and 8.55 per cent of other seeds not oats and chaff, and that the oats in the other car contained 23.98 per cent of barley and 5.86 per cent of chaff and other seeds not oats.

The facts were reported by the Commissioner of Agriculture of Georgia to the United States attorney for the northern district of said State and libel for seizure and condemnation of the oats was duly filed, under section 10 of the act, 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., *September 30, 1909.*