

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1638.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LIMA BEANS.

On April 2, 1912, the United States Attorney for the District of Massachusetts, 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 57 cases of lima beans, remaining unsold in the original unbroken packages and in possession of parties unknown, alleging that the product had been shipped (date not shown) by Davis, Baxter & Co., Portland, Me., and transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Honey Drop Brand Lima Beans soaked Packed Expressly for City Trade by Davis, Baxter & Co. Portland, Me.", and the word "Soaked" was printed thereon in an inconspicuous manner.

Misbranding was alleged in the libel for the reason that the product, upon certain of the retail packages in each of the 57 cases, bore a statement, design, and device regarding the ingredients and substances contained in the product, that is to say, the word "Soaked", printed thereon in an inconspicuous manner, which statement, design, and device was false and misleading in that it would lead the purchaser to believe that the product was other than what was known to the trade as soaked beans, whereas, in truth and in fact, it consisted of soaked beans.

On April 5, 1912, Clinton L. Baxter, of Portland, Me., claimant, having filed his claim admitting the allegations in the libel, decree of condemnation and forfeiture was entered and it was further ordered that upon payment of costs of the proceeding by said claimant and the execution and delivery of bond by him in conformity with section 10 of the Act, fixed by the court at \$100, the product should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 22, 1912.*