

4247. Adulteration of pork and beans with tomato sauce. U. S. * * * v. 1,050 Cases of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6555, 6563, 6565. I. S. Nos. 3559-k, 3562-k, 3561-k. S. Nos. E-281, E-284, E-286.)

On May 26, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels for the seizure of 1,050 cases of pork and beans, remaining unsold in the original unbroken packages at Newburgh, N. Y., alleging that 300 cases of the product had been shipped on or about February 27, 1915; that 350 cases of the product had been shipped on or about February 15, 1915; and that 400 cases of the product had been shipped on or about March 4, 1915, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The 300 cases covered by one of the libels were labeled: "2 Doz. No. 2½ cans Crusoe Pork and Beans with Tomato Sauce. Packed by The Elyria Canning Co., Elyria, Lorain County, Ohio." The cans in these cases were labeled: "Crusoe Brand (design) Pork and Beans with Tomato Sauce. Contents 2 lbs. or over. Trade Mark Registered U. S. Pat. Off. No. 2513 Crusoe Brand (Picture), Elyria Canning Co., Elyria, Ohio. Good Rich Flavor. E. C. Co. Seasoned just right." The 350 cases covered by the second libel were labeled: "2 Doz. No. 2½ cans Prairie Girl Pork and Beans with Tomato Sauce. Packed by The Elyria Canning Co., Elyria, Ohio." The cans in these cases were labeled: "Prairie Girl Brand (design) Tomato Sauce Pork and Beans. Contents 2 lbs. or over. Prairie Girl Brand (picture of girl). Packed by the Elyria Canning Co., Elyria, Ohio." The 400 cases covered by the third libel were labeled: "2 Doz. No. 2½ cans Napoleon Brand Pork and Beans with Tomato Sauce. Distributors, Hilton, Gibson & Miller, Newburgh, N. Y." The cans in these cases were labeled: "Napoleon Brand (picture of Napoleon) Pork and Beans, Good Rich Flavor. Napoleon Brand (design) Pork and Beans. Hilton, Gibson & Miller, Distributors, Newburgh, N. Y. Net weight 32 ounces or over With Tomato Sauce."

Adulteration was alleged in all the libels for the reason that the article of food consisted in particular [part] of a partially decomposed vegetable product, to wit, moldy beans, contrary to the provisions of section 7, subdivision 6, under "Food," of the Food and Drugs Act.

On July 26, 1915, an order was filed in the court consolidating the proceedings covered by the three aforementioned libels into one court proceeding, and on the said date Charles K. Stone, agent, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the wooden containers of the cases of pork and beans should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,700, in conformity with section 10 of the act, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of said act or the laws of the State of New York, it being understood that the said cases of pork and beans might be transported by said Charles K. Stone, as agent, to the plant of the Elyria Canning Co., Elyria, Ohio, for disposition as aforesaid, but not otherwise.

[NOTE.—The product, after arrival at Elyria, Ohio, was dumped and fed to hogs on the farm of the Elyria Canning Co.]

C. F. MARVIN, *Acting Secretary of Agriculture.*

