

4513. Adulteration and misbranding of oats. U. S. * * * v. 320 Bags of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6661. I. S. No. 15960-k. S. No. E-303.)

On or about June 30, 1915, the United States attorney for the Southern District of Florida, 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 320 bags of an article purporting to be oats, remaining unsold in the original unbroken packages at Orlando, Fla., alleging that the article had been shipped on May 27, 1915, and transported from the State of Kentucky into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Callahan's A Brand Fancy Clipped White Oats 100 Lbs."

Adulteration of the article was alleged in the libel for the reason that it was labeled as fancy clipped white oats, and another substance, to wit, added water (goods) had been substituted in part therefor and had been mixed and packed with said fancy clipped white oats, so as to reduce, lower, and injuriously affect their quality or strength.

Misbranding was alleged for the reason that the statement "Callahan's A Brand Fancy Clipped White Oats" was a false statement as to the ingredients and substances contained in said bags and that said statement was false and misleading in that said bags contained, to wit, added water (goods).

On July 12, 1915, Callahan & Sons, (Inc.), Louisville, Ky., having filed their claim and having declined to plead further or offer proof, judgment of condemnation and forfeiture was entered, and said claimant company having executed a good and sufficient bond in the sum of \$1,000, in conformity with section 10 of the act, and said bond having been approved by the court, it was ordered that the product should be delivered to said claimant upon payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*