

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof were false and fraudulent since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On December 14, 1922, the Burrows-Little-White Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the said product be reshipped to the claimant's factory in Philadelphia, Pa., and relabeled to the satisfaction and under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11277. Misbranding and alleged adulteration of canned oysters. U. S. v. 425 Cases and 150 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16902. I. S. Nos. 7744-v, 7745-v. S. No. W-1226.)

On November 1, 1922, the United States attorney for the Western District of Washington, 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 425 cases and 150 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., Biloxi, Miss., on or about October 5, 1922, and transported from the State of Mississippi into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Emperor Brand Oysters Net Weight 10 Oz." The remainder of the article was labeled in part: "Sea-Port Brand Oysters Contents 4 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Net Weight 10 Oz.," appearing on the labels of the Emperor brand, and the statement, "Contents 4 Oz.," appearing on the labels of the Sea-Port brand, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 13, 1922, the Dunbar-Dukate Co., Inc., Biloxi, Miss., claimant, having admitted certain allegations of the libel, a decree of the court was entered adjudging the product to be misbranded, ordering its condemnation and forfeiture, and providing that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,270, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11278. Adulteration of almonds. U. S. v. 300 Bags of Almonds. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16917. I. S. Nos. 5484-v, 5485-v. S. No. C-3829.)

On November 11, 1922, the United States attorney for the District of Minnesota, 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 300 bags of almonds, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William A. Camp & Co., New York, N. Y., in part on or about September 25 and in part on or about September 27, 1922, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 29, 1922, the Northern Brokerage Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings