whereas, in truth and in fact, each of said cans did not contain the amount declared on the labels thereof but did contain a less amount. 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 March 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $1,000.

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

11355. Adulteration of canned salmon. U. S. v. 152 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16995. I. S. Nos. 7750–v, 7777–v. S. No. W–1245.)

On November 23, 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 152 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the A. & P. Products Corp., from Heceta Island, Alaska, on or about October 12, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Spartan Brand Med. Red Alaska Salmon Talls * * * A. & P. Products Corpn Seattle, Washington."

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

On January 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

11356. Misbranding of canned oysters. U. S. v. 26 Cases, et al., of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16999. I. S. Nos. 7609–v, 7611–v, 7612–v. S. No. W–1243.)

On or about November 29, 1922, the United States attorney for the District of Colorado, 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 26 cases of 5-ounce cans, 89 cases of 4-ounce cans, and 35 cases of 8-ounce cans of oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Pelican Lake Oyster & Packing Co., Houma, La., alleging that the article had been shipped from Pass Christian, Miss., on or about January 13, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: (Cans) "'Pelican Lake' Brand Selected Oysters * * * Contents 5 Oz.;" "'Indian Bay' Brand Oysters * * * Contents 4 Oz;" "'Indian Bay' Brand Oysters * * * Contents 8 Oz." The cans were further labeled: "Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma, La."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Contents 5 Oz.," "Contents 4 Oz," and "Contents 8 Oz," on the respective cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said cans was less than 5 ounces, 4 ounces, and 8 ounces of oysters, respectively. 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 packages.

On or about March 5, 1923, the Nave-McCord Mercantile Co., Denver, Colo., having entered an appearance as claimant for the property and having admitted the material allegations of the libel, 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 and the execution of a bond in the sum of $250, in conformity with section 10 of the act.

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