

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act.

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

11364. Adulteration and misbranding of canned oysters. U. S. v. 28 Cases, et al., of Cove Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16980, 16981, 16982. I. S. Nos. 7628-v, 7629-v, 7630-v, 7631-v, 7666-v, 7667-v. S. No. W-1233.)

On or about November 20, 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 libels praying the seizure and condemnation of 174 cases of 4-ounce cans, 61 cases of 8-ounce cans, and 19 cases of 10-ounce cans of oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sea Food Co., Gulfport, Miss., alleging that the article had been shipped from Gulfport, Miss., on or about May 1, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Darling Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs." (or "Contents 8 Ozs.") "Oysters." The remainder of the article was labeled in part: (Cans) "Konisur Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss., U. S. A. Contents 10 Ounces."

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

Misbranding was alleged in substance for the reason that the statements, "Contents 4 Ozs. Oysters," "Contents 8 Ozs. Oysters," and "Contents 10 Ounces Oysters," appearing on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than 4 ounces, 8 ounces, or 10 ounces, as the case might be. 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 said package.

On March 5, 1923, the P. S. Hessler Mercantile Co., the J. S. Brown Mercantile Co., and the Yoelin Bros. Mercantile Co., all of Denver, Colo., having entered their appearance as claimants for respective portions of the property and having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act.

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

11365. Adulteration and misbranding of canned oysters. U. S. v. 1,200 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17033. I. S. No. 7887-v. S. No. W-1251.)

On December 14, 1922, the United States attorney for the District of Oregon, 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 1,200 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dunbar-Dukate Co., Inc., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Fountain Brand * * * Oysters Net Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for oysters of good commercial quality.

Misbranding was alleged for the reason that the statement, "Net Contents 5 Oz.," was false and misleading and deceived and misled the purchaser.