

conformity with section 10 of the act, conditioned in part that it be used in the manufacture of cocoa butter.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11617. Adulteration and misbranding of canned clams. U. S. v. 100 Cases and 40 Cases of Minced Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17462, 17467. I. S. Nos. 8376-v, 8377-v. S. Nos. W-1374, W-1375.)

On April 20 and 21, 1923, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 140 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Pioneer Packing Co., in part from Copalis and in part from Aberdeen, Wash., April 10, 1923, and transported from the State of Washington 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: (Case) "48 No. 1/2 Sanitary Pioneer Brand Minced Sea Clams Packed by Pioneer Packing Co., Aberdeen, Washn. U. S. A."

Adulteration of the article was alleged in the libels for the reason that excessive brine or liquor 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 normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Minced * * * Clams," was false and misleading and deceived and misled the purchaser.

On May 9, 1923, the Pioneer Packing Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 good and sufficient bonds, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11618. Adulteration and misbranding of oysters. U. S. v. 98 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17479. I. S. No. 6429-v. S. No. C-3969.)

On April 24, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 cases of oysters, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the St. Michaels Packing Co., St. Michaels, Md., on or about March 23, 1923, and transported from the State of Maryland into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Country Club Brand Quality Supreme * * * Finest * * * Oysters Contents 5 Oz."

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

Misbranding of the article was alleged for the reason that the statements, "Fine [Finest] * * * Oysters Contents 5 Oz.," appearing in the labeling, 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 June 5, 1923, the St. Michaels Packing Co., St. Michaels, Md., claimant, having admitted the allegations of the libel and consented to the entry of a decree for the condemnation of the product, and having filed a bond in the sum of \$1,000, conditioned in part that the product be relabeled, "Slack Filled. Contains 4½ Ozs. Oyster Meat. A can of this size should contain 5 Oz. Oyster Meat," it was ordered by the court that the said product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*