

Misbranding was alleged with respect to a portion of the article for the reason that the designation "Net Contents 5 Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the remainder of the said article for the reason that the labels were false and misleading and deceived and misled the purchaser in that the drained weight of the oysters contained in the cans was less than stated on the labels. Misbranding was alleged with respect to all the product for the further reason that it was food in package form, and the quantity of the contents was not conspicuously stated on the outside of the packages.

On July 11, 1924, the Lopez Packing Co., Biloxi, Miss., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation 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 bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that statements of the net contents be obliterated and the cans relabeled, "Slack Filled. Minimum contents 4 Ounces Oyster Meat. A can this size should contain 5 ounces oyster meat," or "Slack filled. Minimum Contents 4.6 ounces Oyster Meat. A can this size should contain 6 Ounces Oyster Meat," as the case might be.

HOWARD M. GORE, *Secretary of Agriculture*.

12712. Adulteration of canned salmon. U. S. v. 6,225 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17759. I. S. No. 11486-v. S. No. W-1412.)

On September 5, 1923, 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 praying the seizure and condemnation of 6,225 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Carlson Bros., Inc., from Pavloff Harbor, Alaska, August 7, 1923, and transported from the Territory of Alaska into the State of Washington, 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 animal substance.

On April 9, 1924, Carlson Bros., Inc., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned.

HOWARD M. GORE, *Secretary of Agriculture*.

12713. Misbranding of olive oil. U. S. v. 88 Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18496. I. S. Nos. 15390-v, 15392-v, 15393-v. S. No. E-4761.)

On March 1, 1924, the United States attorney for the District of Massachusetts, 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 296 cans of olive oil, at New Bedford, Mass., consigned between the dates of July 3, 1923, and January 22, 1924, alleging that the article had been shipped by T. K. Malouf & Co., from New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Greek Dream Brand Net Contents 1 Gallon." The remainder of the said article was labeled in part: (Can) "Olympia Brand * * * Net Contents One Quart" (or "Net Contents One Gallon").

Misbranding of the article was alleged in the libels for the reason that the statements as to the net contents of the said cans 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 declared on the outside of the packages.

On June 19, 1924, the cases having been consolidated into one action and Tamer K. Malouf & Co., New York, N. Y., claimant, having filed a satisfactory