

13142. Misbranding of flour. U. S. v. 122 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19097. I. S. No. 21070-v. S. No. W-1596.)

On October 29, 1924, 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 122 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, from Portland, Oreg., October 18, 1924, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Seregro Best Patent Unbleached Flour * * * 24½ Lbs. Seregro Best Patent."

Misbranding of the article was alleged in the libel for the reason that the statement "24½ Lbs." was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 28, 1924, the Crown Mills, Seattle, Wash., claimant, having admitted the allegations of the libel and 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 and the execution of a bond in the sum of \$150, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13143. Adulteration and misbranding of canned oysters. U. S. v. 84 Cases and 30 Cases of Canned Oysters. Decree entered, finding product adulterated and misbranded; released under bond to be relabeled. (F. & D. No. 18534. I. S. Nos. 5236-v, 5237-v. S. No. C-4323.)

On April 5, 1924, the United States attorney for the Western District of Oklahoma, 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 114 cases of canned oysters, at Altus, Okla., alleging that the article had been shipped by the Shelmore Oyster [Products] Co., Memphis, Tenn., on or about November 29, 1923, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Can) "Louis Brand * * * Oysters Contents 8 Ozs. Oyster Meat." The remainder of the said article was labeled: (Can) "New State Brand Oysters * * * Contents 10 Oz. Oyster Meat Famous For Flavor."

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

Misbranding was alleged for the reason that the article was food in package form and the quantity and contents were not plainly and conspicuously marked on the outside of the packages.

On September 29, 1924, the Shelmore Oyster Products Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product adulterated and misbranded, 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 \$500, in conformity with section 10 of the act, and that it be relabeled and reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13144. Adulteration and misbranding of sweet chocolate coating. U. S. v. Royal Cocoa Co. Plea of guilty. Fine, \$150. (F. & D. No. 18763. I. S. No. 2770-v, 16012-v.)

On December 13, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Royal Cocoa Co., a corporation, Camden, N. J., alleging shipment by said company, in violation of the food and drugs act, in part on or about August 13, 1923, and in part on or about March 20, 1924, from the State of New Jer-