

Misbranding was alleged with respect to the Crisafulli brand olive oil for the reason that the statement, to wit, "Contains One Full Gallon," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 full gallon of the article, whereas, in truth and in fact, each of said cans did not contain 1 full gallon of the said article but did contain a less quantity.

Misbranding was alleged with respect to all consignments of the products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the stated quantity was incorrect and represented more than the actual contents of the packages.

On March 20, 1923, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of not guilty.

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

12094. Misbranding of flour. U. S. v. 600 Sacks, et al., of Flour. Decree ordering release of product under bond to be resacked. (F. & D. No. 18017. I. S. No. 6400-v. S. No. C-4174.)

On November 14, 1923, the United States attorney for the Western District of Arkansas, 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 600 sacks, 48 pounds each, and 2,106 sacks, 24 pounds each, of flour, at El Dorado, Ark., alleging that the article had been shipped by the Slater Mill & Elevator Co., Slater, Mo., on or about October 20, 1923, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Slater Mill & Elevator Co. Cream Of Wheat Menu * * * Highest Patent Slater, Mo. Bleached 48 Lbs." (or "24 Lbs.") "When Packed."

Misbranding of the article was alleged in the libel for the reason that said sacks did not contain 24 pounds and 48 pounds, respectively, of the article but did contain a less number of pounds than declared on the sacks. Misbranding was alleged for the further reason that the quality [quantity] and contents was not plainly and conspicuously marked on the outside of the packages.

On November 30, 1923, the Ritchie Grocery Co., El Dorado, Ark., having appeared as claimant for the property, a decree of the court was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the product be resacked in accordance with law.

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

12095. Adulteration and misbranding of canned oysters. U. S. v. 22 Cases of Oysters. Default decree entered ordering product disposed of according to law. (F. & D. No. 16674. I. S. Nos. 6502-v, 6503-v. S. No. C-3739.)

On or about August 2, 1922, the United States attorney for the Eastern District of Arkansas, 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 22 cases of oysters, at Pocahontas, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., on or about June 28, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. * * * Savannah, Ga." The remainder of the article was labeled in part: (Can) "American Ace Brand * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Hilton Head Packing Co. Savannah."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.