

**11777. Adulteration and alleged misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17358. I. S. No. 8652-v. S. No. W-1353.)**

On March 13, 1923, the United States attorney for the Northern District of California, 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 100 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., December 20, 1922, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maryland Chief Brand Baltimore \* \* \* Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

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

Misbranding was alleged for the reason that the statement, "Oysters," appearing in the labeling of the article, was false and misleading and deceived and misled the purchaser.

On May 14, 1923, J. Langrall & Bro., Inc., Baltimore, Md., having appeared through its agent as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered on the ground that the product was adulterated, 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 \$750, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the said act under the supervision of this department.

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

**11778. Adulteration and misbranding of walnut meats. U. S. v. 15 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. Decree entered modifying previous decree to permit release of product under bond to be exported. (F. & D. No. 17488. I. S. No. 8378-v. S. No. W-1378.)**

On May 3, 1923, 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 praying the seizure and condemnation of 15 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by C. E. Discher & Co., Seattle, Wash., March 17, 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. The article was invoiced as "Walnut Meat Crumbs."

Adulteration of the article was alleged in the libel for the reason that shell dirt and sticks had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy vegetable substance.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article.

On June 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On June 14, 1923, Wadhams & Kerr Bros. having appeared and petitioned for a modification of the said decree, judgment of the court was entered modifying the decree by eliminating the provision requiring destruction of the product, and it was ordered by the court that the product be delivered to Wadhams & Kerr Bros., under bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be reexported to the consignor at Vancouver, B. C.

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

**11779. Adulteration of butter. U. S. v. 35 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17657. I. S. No. 8017-v. S. No. W-1393.)**

On July 17, 1923, the United States attorney for the Northern District of California, 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