

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the article, was false and misleading in that the said statement represented that each of the cans contained 1 gallon of oysters, 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 gallon of oysters, whereas each of said cans did not contain 1 gallon of oysters but did contain a less amount. 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 July 18, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

**12710. Adulteration of canned oysters. U. S. v. 471 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17191. I. S. No. 8115-v. S. No. W-1291.)

On January 22, 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 471 cases of canned oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Booth Packing Co., from Baltimore, Md., on or about January 9, 1923, and transported from the State of Maryland into the State of California, and charging adulteration in violation of the food and drugs act.

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

On January 31, 1923, the Booth Packing Co., Baltimore, Md., having appeared as claimant for the property and having 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 \$3,626.70, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the act under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12711. Adulteration and misbranding of canned oysters. U. S. v. 220 Cases, et al., of Canned Oysters. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. Nos. 18619, 18620, 18621, 18622, 18637, 18652. I. S. Nos. 6350-v, 18803-v, 18804-v. S. Nos. C-4341, C-4365, C-4373.)

On April 23, May 3, and May 6, 1924, respectively, the United States attorney for the Eastern District of Missouri, 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 359 cases of canned oysters, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Marine Products Co., Biloxi, Miss., on or about March 3, 1924, and transported from the State of Mississippi into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. One lot was labeled in part: (Can) "Lopez's Cove Oysters Biloxi Chief Brand Oysters Net Contents 5 Ounces Oyster Meat Packed By Lopez Packing Co., Biloxi, Miss." A second lot was labeled in part: (Case "Lopez Packing Co. Biloxi Miss.;" (can) "Selected Oysters Contents 6 Ozs. Avoirdupois Oyster Meat." A third lot was labeled in part: (Can) "Lopez's Cove Oysters Net Contents 6 Ounces Oyster Meat Tika Brand \* \* \* Packed By Lopez Packing Co. Biloxi, Miss. and Buras La."

Adulteration of the article was alleged in the libels for the reason that water or brine had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted in part for the said article.