

6332. Misbranding of oysters. U. S. * * * v. The Sea Food Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 7871. I. S. Nos. 11503-m, 11504-m, 11505-m.)

On August 20, 1917, the United States attorney for the Southern District of Mississippi, 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 Sea Food Co., a corporation, Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 8, 1916, from the State of Mississippi into the State of Missouri, of quantities of an article labeled in part, "Frontier Brand Oysters," or "Bumble Bee Brand Oysters," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed an average shortage of 15.8 per cent, or 12.7 per cent, or 11.7 per cent in the weight of the contents of the cans.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net contents 10 oz.," or "Contents 10 oz.," or "Contents 5 oz.," borne on the labels, attached to the cans, regarding the article, was false and misleading in that it falsely represented that each of the cans contained 10 ounces net, 10 ounces, or 5 ounces of the article, whereas, in truth and in fact, each did not, but contained a less amount. Misbranding of the article was alleged 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 package.

On August 27, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*