

or about August 16, 1922, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive 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 butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On March 9, 1923, the Jim Falls Cooperative Butter & Cheese Co., Jim Falls, Wis., having entered an appearance as claimant for the property and having deposited \$500 collateral to secure compliance with the law, in lieu of the bond provided for by section 10 of the act, it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11363. Adulteration and misbranding of preserves, jams, and jellies. U. S. v. 37 Cases of Assorted Preserves, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 16829. I. S. Nos. 7567-v, 7568-v, 7569-v, 7570-v, 7571-v, 7572-v, 7573-v, 7574-v, 7575-v, 7576-v, 7577-v, 7578-v, 7579-v, 7580-v. S. No. W-1214.)

On September 29, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cases of assorted preserves, 140 cases of assorted jams, and 55 cases of assorted jellies, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Temtor Corn & Fruit Products Co., Carondelet, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about October 20, 1921, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled variously, in part: (Jars) "Harvester Brand Preserves Apple Blackberry" (or "Apple Pineapple," "Apple Peach," "Apple Raspberry," "Apple Plum," or "Apple Strawberry") "Contents 1 Lb. Temtor Corn & Fruit Products Co. St. Louis;" "Tre-Vyn Brand Jam Apple Strawberry" (or "Apple Raspberry") "\* \* \* Contents 2 Lbs. 11 Ozs. Temtor Corn & Fruit Products Co. St. Louis;" "Contents 1 Lb. Harvester Brand Jelly Apple-Grape" (or "Apple," "Apple-Raspberry," "Apple-Strawberry," "Apple-Blackberry" or "Apple-Plum") "Temtor Corn & Fruit Products Co. St. Louis."

Adulteration of the articles was alleged in substance in the libel for the reason that products composed of pectin, sugar, and phosphoric acid, and in the case of certain of the products, the additional ingredient, corn sirup, had been mixed and packed with and substituted wholly or in part for the respective articles. Adulteration was alleged for the further reason that all of the said jams and preserves and the apple-grape, apple-raspberry, apple-strawberry, apple-blackberry, and apple-plum jellies were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Apple Blackberry," "Apple Pineapple," "Apple Peach," "Apple Raspberry," "Apple Plum," and "Apple Strawberry," on the respective containers of the preserves, the statements, "Apple Strawberry" and "Apple Raspberry," on the respective containers of the jam, and the statements, "Apple-Grape," "Apple-Raspberry," "Apple-Strawberry," "Apple-Blackberry," "Apple," and "Apple-Plum," on the respective containers of the jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive name of other articles. Misbranding was alleged with respect to the said jellies for the further reason that they were [food] in package form, and the quantity of the contents was not plainly and specifically [conspicuously] marked upon the outside of the packages.

On March 20, 1923, the Yoelin Bros. Mercantile Co., Denver, Colo., claimant, having admitted the allegations of the libel with respect to the adulteration and misbranding of the product 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 said products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11364. Adulteration and misbranding of canned oysters. U. S. v. 28 Cases, et al., of Cove Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16980, 16981, 16982. I. S. Nos. 7628-v, 7629-v, 7630-v, 7631-v, 7666-v, 7667-v. S. No. W-1233.)

On or about November 20, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 174 cases of 4-ounce cans, 61 cases of 8-ounce cans, and 19 cases of 10-ounce cans of oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sea Food Co., Gulfport, Miss., alleging that the article had been shipped from Gulfport, Miss., on or about May 1, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Darling Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs." (or "Contents 8 Ozs.") "Oysters." The remainder of the article was labeled in part: (Cans) "Konisur Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss., U. S. A. Contents 10 Ounces."

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

Misbranding was alleged in substance for the reason that the statements, "Contents 4 Ozs. Oysters," "Contents 8 Ozs. Oysters," and "Contents 10 Ounces Oysters," appearing on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than 4 ounces, 8 ounces, or 10 ounces, as the case might be. 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 said package.

On March 5, 1923, the P. S. Hessler Mercantile Co., the J. S. Brown Mercantile Co., and the Yoelin Bros. Mercantile Co., all of Denver, Colo., having entered their appearance as claimants for respective portions of the property and having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11365. Adulteration and misbranding of canned oysters. U. S. v. 1,200 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17033. I. S. No. 7887-v. S. No. W-1251.)

On December 14, 1922, 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 for the seizure and condemnation of 1,200 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dunbar-Dukate Co., Inc., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Fountain Brand \* \* \* Oysters Net Contents 5 Oz."

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

Misbranding was alleged for the reason that the statement, "Net Contents 5 Oz.," was false and misleading and deceived and misled the purchaser.