12557. Adulteration and misbranding of canned oysters. U. S. v. 9 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16732. I. S. No. 30-v. S. No. E-4115.)

On August 10, 1922, the United States attorney for the Northern District of New York, 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 9 cases of oysters at Albany, N. Y., alleging that the article had been shipped by the Hilton Head Packing Co. from Savannah, Ga., on or about July 5, 1922, and transported from the State of Georgia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat * * * Packed by Hilton Head Packing Co. Office: Savannah, Ga. * * * 5 Oz. Oysters."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters represented to be contained in the packages.

Misbranding was alleged for the reason that the statements, "Oysters Contains 5 Oz. Oyster Meat" (with designs showing open oyster) "5 Oz. Oysters," were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and 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 April 26, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12558. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 17928. I. S. No. 11395-v.)

On January 22, 1924, 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 an information against Swift & Co., a corporation, trading at Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, as amended, on or about April 3, 1923, from the State of Colorado into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A."

Examination of 96 packages of the article by the Bureau of Chemistry of this department showed that the average net weight of the packages examined was 15.54 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net weight of butter, 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 said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter 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 March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12559. Misbranding of Arthur's emmenagogue pills, Thomas' emmenagogue pills, La Derma Vagiseptic discs, Bick's nerve tonic. Arthur's Sextone pills, Bick's Daisy 99, Bick's sarsaparilla compound, and Bick's Sextone pills. U. S. v. 15 Boxes of Arthur's Emmenagogue Pills, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15338. S. Nos. C-3168 to C-3174, incl.)

On August 26, 1921, the United States attorney for the Northern District of Texas, 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 boxes of Arthur's emmenagogue pills, 19 boxes of Thomas' emmenagogue pills, 8 boxes of La Derma Vagiseptic discs, 16 boxes