12691. Misbranding of crab meat. U. S. v. 23 Tins of Crab Meat. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18889. I. S. No. 16090–v. S. No. E–4955.)

On August 7, 1924, the United States attorney for the Eastern District of Pennsylvania, 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 23 tins of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Thomas E. Jones & Co., Cambridge, Md., alleging that the article had been shipped from Cambridge, Md., on or about July 28, 1924, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contents 1 Lb. Net."

Misbranding of the article was alleged in substance in the libel for the reason that the packages in which the said article was contained bore the statement, "Contents 1 Lb. Net," which was false and misleading in that the said statement represented that the packages each contained 1 pound of crab meat, when in fact they did not. 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 and for the further reason that the article was labeled so as to deceive or mislead the purchaser.

On August 13, 1924, the product having become putrid and unfit for food, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12692. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17480. I. S. No. 1043–v. S. No. E–4373.)

On or about April 25, 1923, the United States attorney for the Southern District of Florida, 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, each containing 4 dozen cans, of oysters, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by S. S. Goffin, from Baltimore, Md., on or about April 20, 1923, and transported from the State of Maryland into the State of Florida, 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 excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for oysters, which the article purported to be.

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

On September 6, 1923, S. S. Goffin, Jacksonville, Fla., claimant, having admitted the allegations of the libel 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 $1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12693. Adulteration of butter. U. S. v. 162 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18878. I. S. No. 17775–v. S. No. C–4436.)

On July 22, 1924, the United States attorney for the Northern District of Illinois, 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 162 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by R. E. Cobb Co., from St. Paul, Minn., July 5, 1924, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a