13441. Adulteration of canned salmon. U. S. v. 226 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18181. I. S. No. 7329-v. S. No. C-4230.)

On December 18, 1923, the United States attorney for the Northern District of Mississippi, 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 226 cases of canned salmon, remaining in the original unbroken packages at Corinth, Miss., alleging that the article had been shipped by the Canoe Pass Packing Co., from Seattle, Wash., on or about August 25, 1923, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Headlight Brand Chum Salmon Packed By Alaska Salmon & Herring Packers, Inc. Tyee, Alaska. Main Office, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 7, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13442. Adulteration and misbranding of canned oysters. U. S. v. Shelmore Oyster Products Co. Plea of nolo contendere. Fine, $25. (F. & D. No. 19239. I. S. Nos. 10298-v, 10299-v.)

On February 12, 1925, the United States attorney for the Eastern District of South Carolina, 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 Shelmore Oyster Products Co., a corporation, Charleston, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about November 2 and 7, 1923, respectively, from the State of South Carolina into the State of Georgia, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: "Oysters * * * Contains 5 Oz. Oyster Meat."

Examination by the Bureau of Chemistry of this department of a sample of 24 cans from each of the consignments showed an average net weight of 4.77 ounces and 4.87 ounces of oyster meat, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, liquor, had been substituted in part for oyster meat, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Contains 5 Oz. Oyster Meat," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 5 ounces of oyster meat, 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 5 ounces of oyster meat, whereas each of said cans did not contain 5 ounces of oyster meat but a number of the cans contained less than 5 ounces of oyster meat. 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 June 3, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13443. Adulteration of canned cherries. U. S. v. 24 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19548. I. S. No. 16276-v. S. No. E-5115.)

On or about February 10, 1925, 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 24 cases of canned cherries, at St. Petersburg, Fla., alleging that the article had been shipped by the Egypt Canning Co., from Fairport, N. Y., on or about October 31, 1924, and transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Egypt Canning Co., Inc. Egypt, N. Y."