

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13801-13850

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 2, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13801. Adulteration and misbranding of canned oysters. U. S. v. 54 Cases et al. of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20251, 20252, 20253. I. S. Nos. 4203-x, 4204-x, 4208-x. S. Nos. C-4780, C-4781.)

On or about July 16 and 20, 1925, respectively, the United States attorney for the Western District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,023 cases of canned oysters, remaining in the original unbroken packages in part at Texarkana, Ark., and in part at Fort Smith, Ark., alleging that the article had been shipped by the Aughinbaugh Canning Co., in part from Gulfport, Miss., and in part from Biloxi, Miss., in various consignments, namely, February 27 and March 3, 1925, respectively, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nigger Head Brand Oysters Contains 5 Oz. Oyster Meat Distributed By Aughinbaugh Canning Co. Of Baltimore City, Md."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed with the said article so as to injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the labels to the effect that the cans contained 5 ounces of oyster meat was false and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly marked on the outside of the package.

On July 29, 1925, the Aughinbaugh Canning Co., Baltimore, Md., claimant, having consented to the entry of decrees and to abide by the rulings of this department in reconditioning or relabeling the product, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant to be disposed of according to law, upon the execution of good and sufficient bonds.

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

13802. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20320. I. S. No. 3035-x. S. No. E-5375.)

On July 15, 1925, the United States attorney for the District of Massachusetts, 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 29 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 7, 1925, alleging that the article had been shipped by the Farmers Creamery Co., Astoria, S. Dak., and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.