14675. Adulteration and misbranding of chocolate coating. U. S. v. 400 Pounds of Chocolate Coating. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21186. I. S. No. 5536-x. S. No. E-5812.)

On July 15, 1926, 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 seizure and condemnation of 400 pounds of chocolate coating, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Merckens Chocolate Co., Inc., Buffalo, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Chocolate."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive foreign material including shell, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Chocolate" was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On September 30, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14676. Adulteration and misbranding of canned oysters. U. S. v. Dunbar-Dukate Co. Plea of guilty. Fine, $150. (F. & D. No. 17621. I. S. Nos. 7744-v, et al.)

On February 20, 1926, the United States attorney for the Southern District of Mississippi, 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 Dunbar-Dukate Co., a corporation, trading at Biloxi, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about March 6, 1922, and in part on or about March 8, 1922, from the State of Mississippi into the State of Washington, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Imperial Brand" (or "Pelican Brand") "Cove Oysters Packed By Dunbar-Dukate Co. New Orleans, La.-Biloxi, Miss. Net Contents 8 Ounces Oyster Meat."

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, excessive water and excessive brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Oysters" and "Net Contents 8 Ounces," borne on the labels of the cans containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of oysters and that each of the cans contained 8 ounces of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of oysters and that each of the cans contained 8 ounces thereof, whereas it did not consist wholly of oysters but did consist in part of excessive water and excessive brine, and each of said cans did not contain 8 ounces of oysters 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 June 8, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

W. M. JARDINE, *Secretary of Agriculture.*

14677. Adulteration and misbranding of canned shrimp and canned oysters. U. S. v. Sea Food Co. Plea of guilty. Fine, $150. (F. & D. No. 19283. I. S. Nos. 2914-v, 4744-v, 18027-v, 18040-v, 18041-v.)

On February 20, 1926, the United States attorney for the Southern District of Mississippi, 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 Sea Food Co., a corporation, Biloxi, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 8, 1923, from the State of Mississippi into the State of Pennsylvania, of a