On March 26, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered ordering 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, conditioned in part that it be emptied into barrels and labeled, "Cider Vinegar and Distilled Vinegar, Reduced to 4% Acidity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11787. Adulteration and misbranding of canned oysters. U. S. v. 175 Cases, et al., of Oysters. Product ordered released under bond to be reconditioned. (F. & D. Nos. 17204, 17301. I. S. Nos. 8263-v, 8339-v, 8340-v, 8341-v. S. Nos. W-1299, W-1318.)

On January 30 and February 26, 1923, respectively, the United States attorney for the Eastern District of Washington, 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 625 cases of oysters, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., from New Orleans, La., in part December 1 and in part December 30, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled variously, in part: "Net Contents 8 Ounces Oyster Meat. Pelican Brand Cove Oysters * * * Packed By Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss.;" "High Tide Brand * * * Cove Oysters * * * Contents 5 Oz. Exclusive of Liquid;" "Pointer Brand * * * Cove Oysters * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co.;" "Blue Jay Brand * * * Oysters Net Contents 4 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co."

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

Misbranding was alleged with respect to the Pelican brand oysters for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser in that the said statement represented that the cans contained a different article than was contained therein. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

Misbranding was alleged in substance with respect to the remainder of the article for the reason that the statements appearing on the cans containing the article, "Net Contents 5 Oz." and "4 Oz. Oyster Meat," as the case might be, were false and misleading and deceived and misled the purchaser. 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 packages.

On July 10 and July 16, 1923, respectively, the Powell-Sanders Co., the Roundup Grocery Co., and B. L. Gordon & Co., all of Spokane, Wash., having theretofore appeared as claimants for respective portions of the product, and the said product having been released under bond to the said claimants for the purpose of being relabeled, and it having appeared that the product had been reconditioned in conformity with law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bonds discharged.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11788. Adulteration and misbranding of canned oysters. U. S. v. 150 Cases of Oysters. Product ordered released under bond to be relabeled. (F. & D. No. 17306. I. S. No. 8284-v. S. No. W-1324.)

On February 26, 1923, the United States attorney for the Eastern District of Washington, 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 150 cases of oysters, remaining in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., December 20, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Deer