

Head * * * Oysters Net Contents 8 Oz. Oyster Meat Packed By Dunbar-Dukate Co. New Orleans, La.=Biloxi, Miss."

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.

Misbranding was alleged in substance for the further reason that the label appearing on each of the cans containing the article bore the statement that the said cans contained "8 Oz. Oyster Meat" which was false and misleading in that it represented that the said cans contained a different article than was therein contained. Misbranding was alleged for the further reason that by means of the said labeling the article was offered for sale under the name of another article.

On March 16, 1923, the McClintock-Trunkey Co., Spokane, Wash., having appeared as claimant for the property and having filed a bond in the sum of \$500, an order of the court was entered providing for the release of the product to be relabeled, and on July 10, 1923, it having appeared that the product had been reconditioned in conformity with the law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bond discharged.

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

11789. Misbranding and alleged adulteration of canned oysters. U. S. v. 350 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17537. I. S. Nos. 5180-v, 5326-v. S. No. C-3984.)

On or about May 17, 1923, the United States attorney for the Western District of Missouri, 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 350 cases of oysters at Kansas City, Mo., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., on or about May 16, 1923, and transported from the State of Louisiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Buck Brand * * * Oysters Standard * * * Packed by Dunbar-Dukate Co. New Orleans, La.=Biloxi, Miss. * * * Net Contents 10 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that it had been mixed and packed with excessive brine, which said brine had been substituted wholly or in part for the said article so that its quality and strength had been reduced and lowered.

Misbranding of the article was alleged for the reason that the statement on the labels, "10 Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 23, 1923, the Dunbar-Dukate Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be misbranded, and it was ordered by the court that the product be delivered 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 relabeled under the supervision of this department.

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

11790. Adulteration and misbranding of coal-tar color. U. S. v. 2 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14799, 14837, 15110. I. S. Nos. 3153-t, 3154-t, 3155-t, 4483-t. S. Nos. C-2968, C-2998, C-3097.)

On April 16, April 28, and July 6, 1921, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on April 27, 1923, amended libels, praying the seizure and condemnation of 5½ pounds of coal-tar color, remaining in the original packages at San Antonio, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in various consignments, on or about October 14 and

December 15, 1920, and March 2 and 7, 1921, respectively, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. * * * Complies With All Requirements * * * Contents Green" (or "Contents Red" or "Contents Yellow").

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that the product contained a certain quantity of a poisonous and deleterious ingredient, namely, arsenic, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the labels of respective portions of the article bore the following statements, "Complies With All Requirements Warranted Quality Color * * * Number 810 Contents Yellow" or "Complies With All Requirements Warranted Quality * * * Number 1110 Contents Green" or "Complies With All Requirements Warranted Quality Color * * * Number 112 Contents Red," as the case might be, which statements were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser in that the said article was not a Government-certified coloring material with a salt content less than 5 per cent and was not an article which complied with the food inspection decisions of the Department of Agriculture and the requirements for certification by said department in the matter of salt and other contents.

On May 11, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

11791. Adulteration of egg yolk. U. S. v. 275 Cases, 371 Cases, 160 Cases, and 24 Cases of Egg Yolk. Consent decree entered with respect to 275 cases and product ordered sorted and good portion ordered released to claimant. Decrees entered with respect to remainder and good portion ordered released and bad portion ordered destroyed or released under bond to be used for industrial purposes. (F. & D. Nos. 15892, 15893, 15894, 15895. S. No. E-3751.)

On January 5, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 830 cases of egg yolk, remaining in the original unbroken packages in part at Brooklyn and in part at Staten Island, N. Y., alleging that the article had been shipped by Olivier & Cie, from Hankow, China, in various consignments, on or about September 29, October 2, November 15, and December 6, 1920, respectively, and transported in foreign commerce into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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

On March 16, 1922, the Merchants National Bank, Baltimore, Md., having appeared as claimant for 275 cases of the product and having consented to the entry of a decree, judgment of the court was entered ordering that the said 275 cases of the product be examined under the supervision of this department and the good portion released to the said claimant with permission to sell the product. On June 29 and August 1, 1922, Stein-Hall & Co., Olivier & Co., and the Sturges Egg Products Co., all of New York, N. Y., having appeared as claimants for respective portions of the remainder of the said product, and an examination under the supervision of this department having disclosed that the contents of certain of the cases was good and fit for sale for human food, decrees of the court were entered ordering that the good portion be released to the respective claimants upon payment of the costs of the proceedings and that the bad portion be destroyed or admitted for import upon the execution of bonds in the aggregate sum of \$10,000, conditioned that the product be used for industrial purposes.

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