

**12267. Adulteration and misbranding of canned oysters. U. S. v. 60 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17723. I. S. No. 5348-v. S. No. C-4103.)

On September 6, 1923, the United States attorney for the District of Kansas, 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 60 cases of oysters remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about February 28, 1923, and transported from the State of Louisiana into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Pelican Lake" Brand \* \* \* Contents 5 Oz. Selected Oysters \* \* \* Packed By Pelican Lake Oyster & Packing Co., Ltd. Houma, La."

Adulteration of the article was alleged in substance in the libel for the reason that it contained excessive brine, which had been packed and mixed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statement, "Contents 5 Oz. \* \* \* Oysters," appearing on the cans, was false and misleading. 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 March 31, 1924, 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.

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

**12268. Adulteration and misbranding of Eskimo coating. U. S. v. 175 Pounds of Eskimo Coating. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18513. I. S. No. 2997-v. S. No. E-4791.)

On March 27, 1924, the United States Attorney for the Eastern District of Pennsylvania, 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 175 pounds of Eskimo coating remaining in the original unbroken packages at Philadelphia, Pa., consigned by F. Bischoff (Inc.), Brooklyn, N. Y., alleging that the article had been shipped from Brooklyn, N. Y., on or about February 21, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "F. Bischoff Inc. \* \* \* Brooklyn N Y \* \* \* Special Eskimo Coating."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, foreign fat, had been mixed and packed wholly or in part for the said article.

Misbranding was alleged for the reason that the retail package inclosing the said article contained a label which bore the following statements: "F. Bischoff Inc Manufacturers Of Pure High Grade Cocoa & Chocolate Brooklyn N Y. Keep In A Cool And Dry Place \* \* \* 100 Pounds F. Bischoff's A-1 Special Eskimo Coating," which were false and misleading in that the said statements indicated that the package contained the substances declared in the said label when, in fact and in truth, it did not. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1924, F. Bischoff (Inc.), Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 \$100, 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.*

**12269. Adulteration and misbranding of olive oil. U. S. v. Giuseppe Battaglia (the Southern Importing Co.). Plea of guilty. Fine, \$170.** (F. & D. No. 16848. I. S. Nos. 6697-t, 6698-t, 6699-t, 6700-t, 7002-t, 7003-t.)

On May 7, 1923, the United States attorney for the Southern 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 an information against