

Mineral Wells, Plainview, Amarillo, Memphis, Commanche, DeLeon, Stephenville, Weatherford, Coleman, Eastland, and Fort Worth, Texas, respectively, consigned by the Sea Food Co., Biloxi, Miss., alleging that the articles had been shipped from Biloxi, Miss., on or about April 7, 1923, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled variously in part: (Can) "Winner Brand \* \* \* Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Net Contents 4 Ounces" (or "Net Contents 8 Ounces"); "White Pony Brand \* \* \* Contains 4 Oz. Oyster Meat Oysters"; "First Pick Brand \* \* \* Oysters Contains 5 Oz. Oyster Meat"; "Golden Grain Belt Brand \* \* \* Oysters Packed By Sea Food Co. \* \* \* Net Contents 4 Ounces" (or "Net Contents 8 Ounces"); "Darling Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs. Oysters"; "Seafooco Brand \* \* \* Oysters Packed By Sea Food Co. Biloxi, Miss. \* \* \* Contents 5 Ozs. Oysters"; "Darling Brand \* \* \* Dry Pack Shrimp Packed By Sea Food Co. Biloxi, Miss. U. S. A. \* \* \* Contents 5 Ozs. Shrimp."

Adulteration of the articles was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in part for the said articles.

Misbranding was alleged for the reason that the respective statements appearing in the labeling, "Net Contents 4 Ounces," "Net Contents 8 Ounces," "Net Contents 5 Oz.," "Net Contents 10 Oz.," with regard to the said oysters, and the statement, "Net Contents 5 Ozs.," with regard to the said shrimp, were false and misleading and deceived and misled purchasers. 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 October 24, 1923, the Sea Food Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

**12363. Adulteration and misbranding of vinegar. U. S. v. E. S. Shelby Vinegar & Canning Co. (Inc.), a Corporation. Plea of guilty. Fine, \$50. (P. & D. No. 17802. I. S. Nos. 3099-v, 3436-v.)**

At the January, 1924, term of the United States District Court within and for the Western District of North Carolina, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the E. S. Shelby Vinegar & Canning Co. (Inc.), a corporation, Newton, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about July 18 and September 26, 1922, respectively, from the State of North Carolina into the State of South Carolina, of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled in part: (Barrel) "E. S. Shelby Vinegar and Canning Co. \* \* \* Red Distilled Vinegar 48 Gals. Newton, N. C." The remainder of the said article was labeled in part: "Golden Rod Pure \* \* \* Apple Vinegar Contents One Pint Nine Fluid Ounces" (in inconspicuous type, "Contents not less than sixteen ounces") "E. S. Shelby Vinegar & Canning Co. Incorporated Newton, N. C."

Analysis of a sample of the article from each of the consignments by the Bureau of Chemistry of this department showed that they contained excessive water. Examination by said bureau of the Golden Rod Brand vinegar showed that 12 bottles contained an average of 16.3 fluid ounces.

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

Misbranding was alleged for the reason that the statement, "Vinegar," borne on the barrels containing a portion of the article, and the statements, "Pure Apple Vinegar" and "Contents One Pint Nine Fluid Ounces," borne on the labels attached to the bottles containing the remainder of the said article,

were false and misleading in that they represented that the portion of the article contained in barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the portion of the article contained in the said barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the said article, whereas, in truth and in fact, it was not vinegar or pure apple vinegar, as the case might be, but was a product consisting in part of excessive water, and the said bottles did not contain 1 pint and 9 fluid ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the bottled vinegar was alleged 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 package.

At the April, 1924, term of the court a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**12364. Adulteration and misbranding of canned oysters. U. S. v. 31 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18632. I. S. Nos. 20049-v, 20050-v, 20051-v, 20052-v. S. No. W-1506.)**

On May 1, 1924, the United States attorney for the Western 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 1,124 cases of canned oysters remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Marine Products Co. (Inc.), from New Orleans, La., on or about March 18, 1924, 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. A portion of the article was labeled in part: (Can) "Darling Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs. Oysters" (or "Contents 8 Ozs. Oysters"). The remainder of the article was labeled in part: (Can) "Our Choice \* \* \* Oysters \* \* \* Contents 5 Oz." (or "Contents 10 Oz.").

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that certain statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the drained weight of oysters contained in the cans was less than that stated on the respective labels. 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 May 21, 1924, the Marine Products Co., New Orleans, La., claimant, having admitted the allegations of the libel and consented to the entry of a decree, 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 \$2,500, in conformity with section 10 of the act, conditioned in part that the article be relabeled under the supervision of this department.

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

**12365. Misbranding of butter. U. S. v. 16 Cases and 13 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18552, 18560. I. S. Nos. 5987-v, 5988-v. S. Nos. C-4330, C-4332.)**

On April 14, 1924, the United States attorney for the Eastern District of Texas, 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 29 cases of butter remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Ozark Creamery Co., Neosho, Mo., on or about April 7, 1924, and transported