

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2095.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OYSTERS.

On February 14, 1912, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases each containing two dozen cans of cove oysters remaining unsold in the original unbroken packages and in possession of Chastain, Davis & Vestal Co. Knoxville, Tenn., alleging that the product had been shipped on or about September 15, 1911, by the George W. Lowden Co., Savannah, Ga., and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "2 Doz. No. 1 Cove Oysters Venus Point Brand." (On cans) "Venus Point Brand Cove Oysters, Packed by Geo. W. Lowden, Main Office, Savannah, Georgia, Factories Georgia and South Carolina."

Adulteration of the product was alleged in the libel for the reason that water had been mixed and packed therewith and substituted for oysters, thus reducing their quality and strength. Misbranding was alleged for the reason that the label set forth above did not announce the presence of added water and bore no statements that the product was other than oysters and oyster liquor.

On July 26, 1912, the said George W. Lowden Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.

