On May 16, 1923, 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.*

11605. Adulteration and misbranding of Grapico sirup. U. S. v. 69 Barrels of Grapico Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17361. I. S. No. 6130–v. S. No. C–3927.)

On or about March 14, 1923, the United States attorney for the Northern District of Alabama, 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 69 barrels of Grapico sirup at Birmingham, Ala., alleging that the article had been shipped by J. Grossman's Sons, New Orleans, La., on or about January 10, 1923, and transported from the State of Louisiana into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Deliciously Refreshing Grapico Naturally Good Syrup * * * J. Grossmans Sons. Mnfgs. New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that an imitation product containing little or no grape had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it had been colored and flavored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Grapico Naturally Good," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of another article.

On April 28, 1923, J. Grossman's Sons, New Orleans, La., claimants, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture and having executed a bond in the sum of $4,000, in conformity with section 10 of the act, conditioned in part that the article be labeled as follows, "Imitation Grape Syrup Grapico Naturally Good Syrup. Contains Pure Grape Flavor, Artificial Flavor and Color. J. Grossman's Sons, Manufacturers, New Orleans, La.," it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

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

11606. Adulteration of canned oysters. U. S. v. 75 Cases of Oysters. Decree for release of product under bond. (F. & D. No. 17398. I. S. No. 10356–v. S. No. C–4003.)

On or about April 27, 1923, the United States attorney for the District of Indiana, 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 75 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Seymour, Ind., alleging that the article had been shipped by J. Langrall & Bro., Inc., Baltimore, Md., on or about January 2, 1923, and transported from the State of Maryland into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Extra Heavy Select Cove Oysters Contents 5 Oz. Avd."

Adulteration of the article was alleged in the libel for the reason that a substance, namely, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters.

On June 19, 1923, the John C. Groub Co., Seymour, Ind., claimant, having admitted the allegations of the libel, paid the costs of the proceedings, and tendered a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the said cans of oysters be relabeled, it was ordered by the court that the product be delivered to the said claimant.

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

11607. Misbranding of tomato paste. U. S. v. John S. Mitchell, Inc., a Corporation. Plea of guilty. Fine, $200 and costs. (F. & D. No. 17412. I. S. No. 3920–v.)

At the May, 1923, term of the United States District Court, within and for the District of Indiana, the grand jurors of the United States for said district,