

3414. Adulteration and misbranding of cove oysters. U. S. v. Dunbars, Lopez & Dukate Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4191. I. S. No. 14156-d.)

On October 23, 1912, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dunbars, Lopez & Dukate Co., a corporation, Biloxi, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 11, 1911, from the State of Mississippi into the State of Tennessee, of a quantity of cove oysters which were adulterated and misbranded. The product was labeled: "Pelican Brand Cove Oysters—Weight Oyster Meat 4 Ounces.—Packed by Dunbars, Lopez & Dukate Co., New Orleans, La., Biloxi, Miss.—U. S. Serial No. A-1446. Guaranteed by the packers under the Food & Drugs Act June 30, 1906."

Examination of sample cans of the product by the Bureau of Chemistry of this department showed the following results:

Meat.	Liquid.	Meat.	Liquid.
Ounces.	Ounces.	Ounces.	Ounces.
2.89	7.37	2.47	7.52
2.75	7.66	2.37	7.91
2.65	7.62	2.68	7.41

Oyster meat, average weight, 2.6 ounces.
Liquid, average weight, 7.5 ounces.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been used [mixed] with it so as to reduce or lower its quality or strength and had been substituted in part for the genuine article. Misbranding was alleged for the reason that the statement "Weight Oyster Meat 4 Ounces," borne on the label thereof of each can, was false and misleading, as each can did not contain 4 ounces of oyster meat, and said product was further misbranded in that it was in package form and the contents were stated in terms of weight and were not correctly stated on the outside of the package.

On February 19, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3415. Adulteration and misbranding of vinegar. U. S. v. National Pickle & Canning Co. Plea of guilty. Fine, \$10. (F. & D. No. 4198. I. S. No. 12494-d.)

On February 15, 1913, the United States attorney for the Eastern District of Missouri filed in the District Court of the United States for said district an information against the National Pickle & Canning Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 26, 1911, from the State of Missouri into the State of New Mexico of a quantity of vinegar which was adulterated and misbranded. The bottle containing the article was labeled: (Neck label): "Cupid Brand (Monogram DB) Vinegar Guaranteed by N. P. & C. Co. to comply with State and National Food Laws." (Principal label): "Choice High Grade Genuine Apple Juice Vinegar—National Pickle & Canning Co. Dodson-Braun Branch St. Louis, U. S. A."