

**5180. Misbranding of oysters. U. S. \* \* \* v. Sea Food Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 7534. I. S. Nos. 10957-1, 11037-1.)**

On August 21, 1916, 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 Sea Food Co., a corporation, Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about January 8, 1916, and November 12, 1915, from the State of Mississippi into the State of Louisiana, of quantities of oysters which were misbranded. The shipment on January 8, 1916, was labeled in part: "Konisur Brand Oysters Contents 5 ozs. Oysters Packed by Sea Food Co. Biloxi, Miss. \* \* \*." The shipment on November 12, 1915, was labeled in part: "Good Eating Brand Oysters Sea Food Co. Biloxi, Miss. Contents 4 ozs. Oysters \* \* \*."

Examination of a sample of the article from the shipment of January 8, 1916, by the Bureau of Chemistry of this department showed the average net weight of 16 cans to be 4.76 ounces. Examination of a sample of the article of the shipment of November 12, 1915, showed the average net weight of 9 cans to be 3.24 ounces.

Misbranding of the article in each shipment was alleged in the information for the reason that it consisted of food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 23, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*