

It was alleged in substance in the libel that the article was decomposed and adulterated in violation of section 7 of the said act.

On February 4, 1924, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12150. Misbranding of canned clams. U. S. v. Chester C. Farmer. Plea of guilty. Fine, \$10. (F. & D. No. 15996. I. S. No. 5629-t.)

On April 11, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chester C. Farmer, Boothbay, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 21, 1921, from the State of Maine into the State of Massachusetts, of a quantity of canned clams which were misbranded. The article was labeled in part: (Can) "Oak Hill Brand * * * Clams Contents 8 Oz."

Examination by the Bureau of Chemistry of this department of 12 cans from the consignment showed that the drained meat in the cans examined averaged 7.29 ounces, a shortage of 8.88 per cent of the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 8 Oz.," borne on the labels attached to the cans containing the said article, was false and misleading, in that it represented that each of said cans contained 8 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 8 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 8 ounces of the said article but did contain a less amount. 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 November 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*