

on or about January 29, 1924, and transported in interstate commerce into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "100 lbs. Net Paramount Brand * * * Good Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Ingredients: Made from upland cotton seed," were false and misleading and deceived and misled the purchaser, in that said statements represented that the article contained a minimum of 36 per cent of protein and a minimum of 7 per cent of ammonia, whereas, in truth and in fact, the said article contained 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, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 15, 1924, Duncan H. Pierce, trading as the Foster Grain Co., Lowell, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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

12261. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases and 250 Cases of Oysters. Product released under bond to be relabeled. (F. & D. No. 17554. I. S. Nos. 11464-v, 11465-v. S. No. W-1386.)

On June 11, 1923, the United States attorney for the Western District of Washington, 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, containing 8-ounce cans and 250 cases containing 10-ounce cans of oysters, at Tacoma, Wash., alleging that the article had been shipped by the Dixie Fruit Products Co., from Mobile, Ala., on or about March 21, 1923, and transported from the State of Alabama into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Can and case) "Mo-Bil-Bay Brand * * * Oysters * * * Packed Expressly For Dixie Fruit Products Co. Mobile, Ala. * * * Contains 8 Ozs. Oysters" (or "Contains 10 Ozs. Oysters").

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Contains 8 Ozs. Oysters" and "Contains 10 Ozs. Oysters," appearing on the respective cases and cans, were false and misleading and deceived and misled purchasers thereof. 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 June 28, 1923, the Dixie Fruit Products Co., Mobile, Ala., claimant, having paid the costs of the proceedings and executed a good and sufficient bond in conformity with section 10 of the act, conditioned in part that the product be relabeled according to law, it was ordered by the court that the said product be released to the claimant.

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

12262. Misbranding of Steriloid. U. S. v. Charles H. Martin (The Martin Remedy Co.). Plea of guilty. Fine, \$10. (F. & D. No. 16402. I. S. No. 11057-t.)

On December 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Charles H. Martin, trading as the Martin Remedy Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about October 15, 1921, from the State of New York into the State of California, of a quantity of Steriloid which was misbranded. The