

lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Light Meat Tuna," borne on the shipping package, and "California Tuna Standard All Light Meat," borne on the cans, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13531. Misbranding and alleged adulteration of canned oysters. U. S. v. 35 Cases and 54 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 18376. I. S. No. 17650-v. S. No. C-4282.)

On February 13 and March 20, 1924, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 89 cases of canned oysters, at Chicago, Ill., alleging that the article had been shipped by the Sea Food Co., from Gulfport, Miss., January 5, 1924, and transported from the State of Mississippi into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Winner Brand Oysters Packed By Sea Food Co. Biloxi, Miss. Net Contents 4 Ounces."

Adulteration of the article was alleged in the libels for the reason that water 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 was alleged for the reason that the statement "4 Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the cans contained 4 ounces of the product, whereas each of the said cans contained less than 4 ounces 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 July 7, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal or that it might be sold, if found fit for use, after being relabeled "Slack Filled Contains Excessive Brine—Minimum Contents 3 Oz. Oyster Meat."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13532. Adulteration and misbranding of evaporated apples. U. S. v. 10 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19885. I. S. No. 13841-v. S. No. E-5150.)

On March 11, 1925, the United States attorney for the District of New Jersey, 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 10 cases of evaporated apples, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Gilbert Apple Products Co., Rochester, N. Y., on or about January 2, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cook Well Brand New York State Evaporated Apples Packed By Gilbert Apple Products Co., Inc., Rochester, N. Y., U. S. A."

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

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.