

of foods for human consumption while prepared, packed, or held at said plant are eliminated;

(b) all of the foods on hand at the plant at the time the plant is cleaned, renovated, and rendered suitable for the preparation, packing, and storage of food for human consumption are destroyed, denatured for use as animal feed, or cleaned or otherwise segregated, reconditioned, processed or disposed of under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and all expenses of such supervision are paid by the defendants;

(c) sufficient qualified and experienced personnel, including supervisory personnel, are employed in the plant to properly operate it;

(d) an employee sanitary training program is established; and

(e) an inspection is made of the plant by a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, all expenses of such inspection being paid by the defendants and a report made to the court which shows that the above-described or any similar insanitary conditions no longer exist and that the foods for human consumption described in subparagraph (b) above, have been destroyed, denatured, or brought into compliance with the law.

28853. Frozen breaded shrimp. (F.D.C. No. 48623. S. Nos. 51-808 V, 53-545 V.)

QUANTITY: 14 cases, 12 pkgs. each, at Portland, Oreg.

SHIPPED: 10-26-62, from Nogales, Ariz., by Ocean Garden Products, Inc.

LABEL IN PART: (Pkg.) "Net Wt. 2½ Lbs. Ocean Garden * * * breaded shrimp Fantail 12-U * * * Packed for Ocean Garden Products, Inc., San Diego, Calif."

LIBELED: 2-6-63, Dist. Oreg.

CHARGE: 402(a)(3)—contained decomposed shrimp when shipped.

DISPOSITION: 3-28-63. Default—destruction.

28854. Frozen shrimp. (F.D.C. No. 48433. S. Nos. 39-699 V, 40-049/50 V, 41-122 V.)

QUANTITY: 186 ctns., each containing 10 5-lb. boxes, and 70 ctns., each containing 10 boxes, at New York, N.Y.

SHIPPED: 11-9-62, from New Orleans, La., by Continental Seafoods, Inc.

LABEL IN PART: (Boxes of the 186-ctn. lot) "Across The Sea Frozen Peeled & Deveined Shrimp Produced by G. M. Fisheries, Ltd., * * * Karachi, Pakistan * * * Shell on Shrimp"; (ctns. of the 70-ctn. lot) "Famous Brand Frozen Fresh Shrimp Distributed by Famous Frozen Shrimp Co., Inc. Westwego, La.," "Whites 100 V.P. Peeled—C.S.F. New York * * * Dr. Raul Torrealba A. Maracaibo Venezuela Camarones Congelados Producto de Venezuela," and "Frozen Shrimp Caribe Venezuela Congeladora Venezolana S.A. Maracaibo—Producto de Venezuela"; and (some of the boxes of the 70-ctn. lot) "Frozen Fresh Shrimp," and "Fresh Frozen Shrimp Product of Venezuela 5 Pounds Net."

RESULTS OF INVESTIGATION: Some of the boxes of the 70-ctn. lot were unlabeled and some of the boxes and cartons of the 70-ctn. lot failed to bear labels containing the name and address of the manufacturer or the quantity of contents or the name of the product. Some of the boxes of the 70-ctn. lot on which the net weight of 5 pounds was declared were 12 percent short weight.

LIBELED: 12-20-62, S. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, both lots of the article contained a decomposed substance; 403(e)(1)—shrimp of the 70-ctn. lot failed to bear a label containing the name and address of the manufacturer, packer, or distributor; 403(e)(2)—shrimp of the 70-ctn. lot failed to bear a label containing an accurate statement of the quantity of the contents; and 403(i)(1)—a number of the boxes of the 70-ctn. lot failed to bear the common or usual name of the food.

DISPOSITION: 4-3-63. Default—destruction.

28855. Frozen breaded shrimp. (F.D.C. No. 48365. S. No. 42-375 V.)

QUANTITY: 249 cases, each containing 12 ctns., at Magnolia, N.J., in possession of Deal's Seafood Co., Inc.

SHIPPED: Fresh shrimp was shipped between 9-7-62 and 9-17-62, from New York, N.Y.

LABEL IN PART: (Ctn.) "Deal's Breaded Round Shrimp 15-20 Count 2½ Lb. Net Wt. Packed by Deal's Seafood Company, Magnolia, N.J." or "Columbia Breaded Shrimp 15-20 Count 2 Lb. Net Wt. A Product of Columbia Food Products, Magnolia, N.J."

RESULTS OF INVESTIGATION: The breaded shrimp had been prepared and packed from fresh shrimp by the dealer.

LIBELED: 11-23-62, Dist. N.J.

CHARGE: 402(a)(3)—contained *E. coli* and high total bacterial counts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-4-63. Consent—the article which consisted of 66 cans actually seized was destroyed.

28856. Canned solid-pack tuna (dietetic). (F.D.C. No. 48820. S. No. 4-394 V.)

QUANTITY: 93 cases, each containing 24 cans, at Baltimore, Md.

SHIPPED: 10-12-62, from Seattle, Wash., by McGovern & McGovern.

LABEL IN PART: (Can) "Monarch Dietetic Solid Pack White Tuna In Water No Salt Added * * * Net Weight 6½ Oz. Avoir. * * * Consolidated Foods Corporation Distributors, Chicago, Ill."

LIBELED: 3-19-63, Dist. Md.

CHARGE: 403(h)(2)—when shipped, the article fell below the standard of fill of container for canned solid-pack tuna in that the article was in a container designated as 307 x 113, and the average weight of the pressed cake from 24 cans was less than 4.47 oz.; and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 5-17-63. Default—delivered to a charitable organization.

28857. Canned oysters. (F.D.C. No. 48285. S. No. 30-488 V.)

QUANTITY: 102 cases, each containing 48 cans, at Los Angeles, Calif.

SHIPPED: 3-15-62, from Tijuana, Mex., by Distribuidora del Fuerte, S.A.

LABEL IN PART: (Can) "Product of Mexico Oysters in Natural Juices Packed by Emp. De Escuinapa, S. A. for Emp. De Cons. D. Los Mochis, S. A. Drained Wt. 5 Oz. [or "4 Oz."]."

RESULTS OF INVESTIGATION: The article was short drained weight.

LIBELED: 11-13-62, S. Dist. Calif.