

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.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statements "Drained Wt. 5 Oz." and "Drained Wt. 4 Oz." were inaccurate; and 403(h) (2)—the article failed to conform to the standard of fill of container for canned oysters, since the drained weight of the oysters taken from each container of the article was less than 59 percent of the water capacity of the container, and its label failed to bear a statement of substandard fill of container.

DISPOSITION: 1-25-63. Consent—claimed by Oscar Mendoza, t/a Stone Brokerage Co., Los Angeles, Calif., and exported to the original shipper.

FRUITS AND VEGETABLES

CANNED FRUIT

28858. Canned applesauce. (F.D.C. No. 48325. S. No. 15-878 T.)

QUANTITY: 708 cases, each containing 24 1-lb. cans, at Richmond, Ind.

SHIPPED: 8-21-62, from Butler, Wis., by Tast-D-Lite Foods, Inc.

LABEL IN PART: (Can) "Tast-D-Lite Pink Apple Sauce * * * Consists of Apples, Sugar and Water Tast-D-Lite Foods, Inc., Butler, Wisconsin Distributor."

LIBELED: 10-24-62, S. Dist. Ind.

CHARGE: 403(1) (2)—when shipped, the label of the article failed to bear the common or usual name of each ingredient since FD&C Red No. 4, an artificial coloring, had not been declared; and 403(k)—the article contained an artificial coloring, namely, FD&C Red No. 4, and its label failed to state that fact.

DISPOSITION: 12-7-62. Consent—claimed by Tast-D-Lite Foods, Inc., and relabeled.

28859. Canned peaches. (F.D.C. No. 48049. S. No. 60-555 T.)

QUANTITY: 85 cases, 24 cans each, at Ashtabula, Ohio.

SHIPPED: 7-25-62, from Concord, Ga., by Gold Crest Canning Co.

LABEL IN PART: (Can) "Gold Crest Freestone Peaches Halves In Heavy Syrup packed by Gold Crest Canning Company Concord, Ga. Net contents 1 lb. 13 oz."

LIBELED: 10-3-62, N. Dist. Ohio.

CHARGE: 403(h) (1)—the article fell below the standard of quality for canned peaches because of excessive hardness and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 4-23-63. Consent—delivered to charitable organizations.

VEGETABLES AND VEGETABLE PRODUCTS*

28860. Soybeans. (Inj. No. 381.)

COMPLAINT FOR INJUNCTION FILED: 7-6-60, E. Dist. Va., against Carter-Venable Co., a partnership, Richmond, Va., Edward M. Eppes, a partner, and Edward M. Eppes, III, who was engaged in the management of the firms.

CHARGE: The complaint alleged that the defendants were engaged in buying, processing, storing, and shipping in interstate commerce soybeans which were

*See also Nos. 28806, 28861.