

PRODUCT: 2,700 pints of oysters at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 9, 1945. John H. Leonard, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into conformity with the law, under the supervision of the Food and Drug Administration.

7802. Adulteration of oysters. U. S. v. 64 Pints and 264 Pints of Oysters (and 2 other seizure actions against oysters). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14812, 14838, 14843. Sample Nos. 85286-F, 85289-F, 85290-F.)

LIBELS FILED: December 21, 29, and 30, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 13, 14, and 20, 1944, by Charles W. Howeth and Brother, from Crisfield, Md.

PRODUCT: 1,095 pints of oysters at York, Pa.

LABEL, IN PART: (Portion) "H & B Brand Famous Salt Water Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 19, 1945. Charles W. Howeth, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The excess liquid was removed and the cans were filled with oysters. Oysters of unsatisfactory quality were destroyed.

7803. Adulteration of oysters. U. S. v. 225 Cans of Oysters (and 2 other seizure actions against oysters). Default decrees of condemnation and destruction. (F. D. C. Nos. 14811, 14815, 14837. Sample Nos. 85285-F, 85287-F, 85288-F.)

LIBELS FILED: Between December 21 and 29, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 14 and 18, 1944, by Hickman and Sterling, from Crisfield, Md.

PRODUCT: 564 1-pint cans of oysters at York, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 22, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7804. Adulteration of oysters. U. S. v. 94 Cans of Oysters. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14770. Sample No. 92393-F.)

LIBEL FILED: December 14, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 5, 1944, by the J. H. White Co., from Baltimore, Md.

PRODUCT: 94 1-pint cans of oysters at Erie, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7805. Adulteration of frozen shrimp. U. S. v. 23 Boxes and 914 Cartons of Frozen Shrimp (and 2 other seizure actions against frozen shrimp). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 14175, 14176, 14789. Sample Nos. 78944-F to 78947-F, incl., 78949-F, 96808-F.)

LIBELS FILED: November 17 and December 19, 1944, Northern District of Illinois and Northern District of Texas.

ALLEGED SHIPMENT: On or about August 19 and 21, 1944, by the Morgan City Packing Co., from Raceland and Morgan City, La.

PRODUCT: 23 boxes, each containing 5 10-pound cartons, and 1,787 10-pound cartons of shrimp at Chicago, Ill., and 5,518 5-pound cartons at Dallas, Tex.

LABEL, IN PART: (Portion) "Fisher Boy Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 29, 1944. The Booth Fisheries Corporation, claimant for the lot at Dallas, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On February 6, 1945, no claimant having appeared for the lots at Chicago, judgments of condemnation were entered and the product was ordered destroyed.

FRUITS AND VEGETABLES *

CANNED, DRIED, AND FROZEN FRUITS

7806. Misbranding of canned cherries. U. S. v. Royal Canning Corporation. Plea of guilty. Fine, \$26. (F. D. C. No. 14235. Sample Nos. 55316-F, 64936-F.)

INFORMATION FILED: January 15, 1945, District of Utah, against the Royal Canning Corporation, Ogden, Utah.

ALLEGED SHIPMENT: On or about October 12 and December 3, 1943, from the State of Utah into the States of Idaho and Washington.

LABEL, IN PART: (Cases) "Little Boy Blue Pitted Royal Ann Med. Syrup Cherries," or "Royal Pitted Dark Sweet Heavy Syrup Cherries"; (cans) "Little Boy Blue * * * Light Sweet Pitted Cherries," or "Royal Brand Dark Sweet Pitted Cherries."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements, "Pitted * * * Cherries," borne on the cases, and "Pitted Cherries," borne on the cans, were false and misleading since the product consisted of partially pitted cherries; and, Section 403 (h) (1), the product failed to conform to the standard for canned, pitted cherries since more than 1 pit was present in each 20 ounces of the food, and it was not labeled as substandard.

DISPOSITION: February 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 on the first count and \$1 on the second count, a total fine of \$26, was imposed.

7807. Misbranding of canned cherries. U. S. v. 74 Cases of Canned Cherries. Product ordered released under bond. (F. D. C. No. 13441. Sample No. 73395-F.)

LABEL FILED: August 31, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 26, 1944, by the Fairview Packing Co., Oakland, Calif.

PRODUCT: 74 cases, each containing 24 cans, of cherries at Warren, Ohio.

LABEL, IN PART: "IGA Enriched With Dextrose Contents 1 Pound 15 Oz. Light Sweet Royal Anne Cherries in Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (h) (2), the product purported to be and was represented as canned cherries (light, sweet), a food for which a standard of fill of container has been prescribed by regulations promulgated pursuant to law, and it fell below the standard since there was not present the maximum quantity of the cherry ingredients which could be sealed in the container and processed by heat to prevent spoilage without crushing the ingredient, and its label failed to bear, in the manner and form that the regulations specify, a statement that the product fell below the standard.

DISPOSITION: September 29, 1944. The William Edwards Co., Warren, Ohio, claimant, having admitted the allegations of the libel, the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

*See also Nos. 7702-7709, 7890.