on the 16th day of June, 1943, as authorized by Section 334 (c) of Title 21 United States Code, plaintiff took a representative sample from said cases of oysters identified as sample 32160–F. In taking both of these samples the Government representatives took a number of cans from each Code, recognizing the fact that each Code represented a separate lot or pack. These samples were examined and tested by the smell or organoleptic test in Government laboratories by Government representatives and these examinations of said samples revealed; (a) That all the cans in both samples were normal in exterior appearance. (b) That adulteration did not extend to the entire shipment in that decomposed oysters were found only in the samples of the following codes:

Code No. 2BCB consisting of	10 cases.
Code No. 2BGH consisting of	45 cases.
Code No. 2BGJ consisting of	4 cases.
Code No. 2BHF consisting of	80 cases.
Code No. 2BIH consisting of	2 cases.
Code No. 2EE consisting of	18 cases.
	159 cases.

(c) That no decomposed oysters were found in the samples taken from the remaining Codes and adulteration did not extend to them.

CONCLUSIONS OF LAW

"1. That the shipment of cases of canned oysters had moved in interstate commerce.

"2. That representatives of plaintiff took a representative sample from each Code and that each Code represented a separate lot or pack of oysters.

"3. That adulteration extended to only the cases of oysters in the following Codes:

Code No. 2BCB consisting of	10 cases.
Code No. 2BGH consisting of	45 cases.
Code No. 2BCJ consisting of	4 cases.
Code No. 2BHF consisting of	80 cases.
Code No. 2BIH consisting of	2 cases.
Code No. 2EE consisting of	18 cases.
	159 cases.

"4. That the remainder of the shipment of oysters composed of the other Codes are not adulterated within the meaning of the provisions of Subsection (a) (3) of Section 342, Title 21 United States Code, and therefore adulteration does not extend to the entire shipment.

"5. That the cans of oysters contained in the Codes in which adulterated oysters were found, as set out in 3 above, are condemned.

"6. That the oysters contained in the other Codes involved herein are not subject to condemnation."

On May 30, 1945, judgment was entered ordering that the portion found to be unadulterated be returned to the claimant and that the remainder be condemned and released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8030. Adulteration of canned oysters. U. S. v. 985 Cases of Canned Oysters. Portion ordered released; remainder condemned and ordered released under bond. (F. D. C. No. 10280. Sample No. 36239–F.)

LIBEL FILED: July 22, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about May 19, 1943, by the Anticich Canning Co., from Biloxi, Miss.

PRODUCT: 985 cases, each containing 48 7½-ounce cans, of oysters at Denver, Colo.

LABEL, IN PART: "American Beauty Brand Oysters."

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

DISPOSITION: The Anticich Canning Co., claimant, filed an answer on August 26, 1943, denying that the product was adulterated, and subsequently filed a petition for a release of a portion of the product which had been examined and

found to be free from adulteration, which petition was allowed. The claimant then filed an amended answer, admitting that the remainder of the product was adulterated, and on December 20, 1944, 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. The unfit portion of the condemned goods was segregated and destroyed, and the remainder was recanned and labeled as reprocessed.

8031. Adulteration of frozen shrimp. U. S. v. 310 Cases and 290 Cases of Frozen Shrimp. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13976. Sample Nos. 61834–F, 61835–F.)

LIBEL FILED: October 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about October 3, 1944, by Otto L. Kuehn, per the United States Cold Storage Co., from Dallas, Tex.

PRODUCT: 600 cases, each containing 10 5-pound cartons, of frozen shrimp at San Francisco, Calif.

LABEL, IN PART: "Penguin Brand Coast Frozen Fresh Shrimp," or "Shrimp * * * Packed by United States Cold Storage Dallas, Texas."

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

DISPOSITION: November 10, 1944. The Otto L. Kuehn Co. having appeared as claimant, 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.

8032. Adulteration of frozen shrimp. U. S. v. 197 Cartons, 417 Cartons, and 37 Cartons of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 14004, 14005, 14006. Sample Nos. 52970–F, 52971–F, 52973–F.)

LIBELS FILED: October 5, 1944, District of Maryland.

ALLEGED SHIPMENT: On or about August 2, 14, and 22, 1944, by the Matanzas Packing Co., from Jacksonville, Fla.

PRODUCT: 614 12-pound cartons and 37 50-pound cartons of frozen shrimp, at Baltimore, Md.

LABEL, IN PART: (37 carton lot) "Peeled Shrimp Quick Frozen and Packed by Public Quick Freezing & Cold Storage Co., Jacksonville, Fla."

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

DISPOSITION: December 6, 1944. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRUITS AND FRUIT PRODUCTS*

8033. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13864. Sample No. 80325–F.)

LIBEL FILED: September 9, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 8, 1944, by W. A. Lesseg, from Golden Eagle, Ill.

PRODUCT: 50 bushels of apples at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an excessive amount of lead, which may have rendered it injurious to health.

DISPOSITION: October 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that all peelings and cores be destroyed under the supervision of the Food and Drug Administration.

8034. Adulteration of apple chops. U. S. v. 930 Bags of Apple Chops. Default decree of forfeiture and destruction. (F. D. C. No. 13662. Sample No. 90518–F.)

LIBEL FILED: September 14, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 14, 1943, by G. Kittelberger, from Summit Point, W. Va.

*See also Nos. 7928, 8089, 8097.