

25964. Frozen fresh whiting. (F.D.C. No. 43543. S. No. 72-031 P.)

QUANTITY: 59 cases, 20 3-lb. pkgs. each, at Monroe, N.C.

SHIPPED: 8-25-59, from Gloucester Mass., by Progressive Fish Wharf, Inc.

LABEL IN PART: (Pkg.) "Seven Seas Fresh Frozen Dressed Whiting Packed by Progressive Fish Wharf, Inc. Gloucester, Mass."

LIBELED: 9-18-59, W. Dist. N.C.

CHARGE: 402(b)(2)—when shipped, partially eviscerated whiting had been substituted in part for "Dressed Whiting" which the article was represented to be; 402(b)(4)—partially eviscerated whiting had been packed with the article so as to make it appear to be dressed whiting which is better and of greater value than the article; and 403(a)—the label statement "Dressed Whiting" was false and misleading.

DISPOSITION: 11-5-59. Default—destruction.

25965. Frozen buffalo fish and round carp. (F.D.C. No. 43518. S. No. 73-364 P.)

QUANTITY: 172 lbs. of frozen buffalo fish and 460 lbs. of round carp at New York, N.Y.

SHIPPED: Prior to 5-8-59, from Michigan and the southern part of the United States.

LIBELED: On or about 9-18-59, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 10-14-59. Default—destruction.

25966. Frozen rock lobster tails. (F.D.C. No. 43559. S. No. 58-271 P.)

QUANTITY: 39 ctns., 4 10-lb. pkgs. each, at New York, N.Y.

SHIPPED: 6-19-59, from Brazil.

LIBELED: 10-6-59, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed rock lobster tails while held for sale.

DISPOSITION: 10-30-59. Default—destruction.

25967. Frozen breaded shrimp. (F.D.C. No. 43442. S. No. 33-180 P.)

QUANTITY: 75 cases, each containing 4 bags, each bag containing 6 8-oz. baskets, at York, Pa.

SHIPPED: 8-12-59, from Bronx, N.Y., by Redi Food Co., Inc.

LABEL IN PART: (Case) "Shrimp in the Basket * * * Redi Food Co., Inc." and (basket) "Quick Frozen Rudy's Original Shrimp in the Basket."

LIBELED: 9-4-59, M. Dist. Pa.

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-8-59. Default—destruction.

25968. Canned crabmeat. (Inj. No. 347.)

COMPLAINT FOR INJUNCTION FILED: 12-24-58, S. Dist. Fla., against Jacksonville Freezers, Inc., Jacksonville, Fla., and Byron W. Bailey, president of the corporation.

CHARGE: The complaint alleged that the defendants maintained their principal place of business at Jacksonville, Fla., but that they also did business under the name of the Sea Crest Crab Co., at a plant located near Yulee (Chester) and Fernandina Beach, Fla.; and that the defendants were engaged at such plant in the business of preparing, packing, and introducing and delivering for introduction into interstate commerce, crabmeat which was adulterated under 402(a)(4) because such crabmeat had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the insanitary conditions in the Sea Crest Crab Co. plant resulted from and consisted of ill-fitting doors and torn screening in the windows of the plant; the presence of numerous flies throughout the plant, on the equipment, and on the crabs and crabmeat being prepared and packed; inadequate toilet facilities such as lack of soap, paper towels, and toilet paper, and careless practices on the part of employees in the preparing, packing, and handling of the food, namely, handling and picking crabs without washing their hands after handling equipment or using the toilets; and the presence of rodents in the plant, and allowing crabs cooked in the evening and cooled over night to become contaminated with rodent excreta and gnawed by rodents.

It was alleged also that the defendants were well aware that their activities were in violation of the Act; that since the time the defendants took over the operations of the Sea Crest Crab Co. plant on 3-15-58, three inspections had been made of the plant by the Food and Drug Administration; that insanitary conditions were found to exist at the plant at the time of each inspection; that the defendants were warned of such conditions during the inspections; that despite the warnings conveyed to the defendants, they had in their possession, in their own freezer rooms at their Jacksonville plant, approximately 18,200 lbs. of frozen crabmeat produced at the Sea Crest Crab Co. plant between 3-19-58 and 9-26-58; that such crabmeat was packed in cans labeled in part as follows: "SEA CREST CRAB CO. 1 LB. NET DELUXE CRAB MEAT FERNANDINA BEACH, FLA. Fla. 138 C." "CAPE CANAVERAL Sea-Est Fla 138C SEACREST CRAB CO Net Wt. 5 oz. Permit 30 Distr. by United Shrimp Sales Co., Jacksonville, Fla.," and "Fulton Most Famous Name in Fishing Crabmeat 8 oz. Net [or "1 lb."] Fla. 15-C Packed by Skipper Seafoods [or "Fulton Crabmeat Co."], Yulee, Fla."

It was alleged on information and belief that the defendants would, unless restrained, introduce and deliver for introduction into interstate commerce, such adulterated crabmeat either in cans or as a component of crab sticks, or deviled crabs, or other products made therefrom, and that such crabmeat constituted a menace to interstate commerce because it had been prepared, packed, and held under insanitary conditions.

DISPOSITION: A temporary restraining order was entered against the defendants on 12-24-58. Thereafter, the defendants appeared and, without admitting the allegations of the complaint, consented to the entry of a decree for the purpose of avoiding the expense of presenting contrary proof. The Government objected to the entry of the decree without supporting findings but the court ordered that the objections be overruled. On 3-6-59, a consent decree of permanent injunction was entered against the defendants by which they were permanently enjoined from introducing and delivering for introduction into interstate commerce, the lot of 18,200 lbs. of frozen crabmeat stored in the freezer rooms of the defendants' plant at Jacksonville, Fla.