

CHARGE: 402(a)(2)—when shipped, the article contained an added poisonous and deleterious substance, DDT, which is unsafe within the meaning of 408 since the quantity of DDT contained on the article was greater than the tolerance fixed by the Secretary for such pesticide chemical on apples.

DISPOSITION: 3-31-60. Consent—claimed by Lyle C. Tabb, Kearneysville, W. Va., and destroyed by spreading and plowing under on the owner's land.

26338. Cottonseed meal. (F.D.C. No. 44051. S. No. 56-144 P.)

QUANTITY: 400 100-lb. bags at Lancaster, Kans.

SHIPPED: 12-23-59, from Metz, Mo., by Wendell Klenn.

LABEL IN PART: (Tag) "SCO-CO 41% Protein Cottonseed Meal Prime Quality * * * Southern Cotton Oil Division Wesson Oil & Snowdrift Co., Inc., Memphis, Tennessee."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 37.6 percent protein.

LIBELED: 2-4-60, Dist. Kans.

CHARGE: 402(b)(2)—when shipped, cottonseed meal of less protein content had been substituted in whole or in part for the article; and 403(a)—the label statement "41% Protein" was false and misleading.

DISPOSITION: 2-25-60. Consent—claimed by Wesson Oil & Snowdrift Co., Inc., New Orleans, La., and relabeled.

FISH AND SHELLFISH

26339. Frozen whitefish. (F.D.C. No. 43917. S. Nos. 85-238/9 P.)

QUANTITY: 82 60-lb. boxes at New York, N.Y.

SHIPPED: 9-28-59, from Edmonton, Canada.

LIBELED: 11-27-59, S. Dist. N.Y.

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

DISPOSITION: 12-16-59. Default—destruction.

26340. Frozen whitefish. (F.D.C. No. 44109. S. Nos. 9-402/3 P.)

QUANTITY: 50 75-lb. ctns. and 7,608 lbs. in 69 boxes at Buffalo, N.Y.

SHIPPED: 3-15-60, from Detroit, Mich., by J. Kozloff Fish Co.

LABEL IN PART: (Ctn.) "Product of Canada God's Lake, Man. Northern Lakes Fisheries Co., Ltd., Winnipeg, Man. Dr. Whitefish Medium * * * 5462 * * * Cert. #9209." and (box) "Product of Canada * * * Dressed Medium Whites * * * Clark Fisheries, Meadow Lake, Sask. * * * 2509 Lot #5463."

LIBELED: 3-30-60, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 4-4-60. Consent—claimed by J. Kozloff Fish Co., and exported to the original shipper in Canada.

26341. Frozen whitefish. (F.D.C. No. 43298. S. Nos. 51-112 P, 51-114 P.)

QUANTITY: 134 75-lb. boxes at Chicago, Ill.

SHIPPED: 10-15-58 and 12-8-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd.

LABEL IN PART: "Product of Canada Booth Fisheries Winnipeg Canada Med. Whitefish, South Indian Lake, Manitoba" and "Product of Canada, South Indian Lake, Medium Dressed Whitefish."

LIBELED: 7-15-59, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 3-24-60. Default—destruction.

26342. Frozen whitefish. (F.D.C. No. 43886. S. Nos. 63-088/9 P.)

QUANTITY: 10 60-lb. boxes at Chicago, Ill.

SHIPPED: 10-17-59, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

LABEL IN PART: "DSD Large Whitefish Black Bear Island Lake, Sask. Shipper: Cooperative Fisheries Limited Prince Albert, Sask. * * * 4463 Product of Canada" and "Trout Lake, Sask. Shipper: Cooperative Fisheries Limited Prince Albert, Sask. DSD Large Whitefish 4463."

LIBELED: 11-12-59, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 12-9-59. Default—destruction.

26343. Oysters. (F.D.C. No. 43073. S. No. 5-352 P.)

INFORMATION FILED: 4-20-59, Dist. Md., against Charles W. Howeth, t/a Chas. W. Howeth & Bro., Crisfield, Md.

SHIPPED: 10-29-58, from Maryland to Pennsylvania.

LABEL IN PART: (Can) "CHAS. W. HOWETH & BRO. 1 Gal Net OYSTERS CRISFIELD, MD. MD. 193."

CHARGE: 403(g)(1)—the article failed to conform to the definition and standard of identity for oysters since, in the preparation of the article, the containers for the oysters upon being shucked were being filled with water or salt water in excess of $\frac{1}{4}$ of the volume of oysters and liquid when emptied, and the total time that such oysters were in contact with water or salt water containing less than 0.75 percent salt after leaving the shucker was more than 30 minutes.

PLEA: Guilty.

DISPOSITION: 3-24-60. Fine of \$625, plus costs.

FRUITS AND VEGETABLES

CANNED FRUIT

26344. Cranberry sauce. (F.D.C. No. 43877. S. No. 88-119 P.)

QUANTITY: 68 cases, 24 1-lb. cans each, at Columbus, Ohio.

SHIPPED: 11-12-59, from Bridgeton, N.J., by Morris April Bros.

LABEL IN PART: (Case) "Monarch Whole Cranberry Sauce * * * Consolidated Foods Corporation Distributors Chicago, Ill."

LIBELED: 12-7-59, S. Dist. Ohio.

CHARGE: 402(a)(2)—when shipped, the article contained an added poisonous and deleterious substance, aminotriazole, which is unsafe within the meaning of 406 since such substance is not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: 2-10-60. Default—destruction.

26345. Cranberry sauce. (F.D.C. No. 43883. S. Nos. 59-839 P, 84-247 P.)

QUANTITY: 59 cases, 24 1-lb. cans each, at Baltimore, Md.

SHIPPED: 10-7-59, from Bridgeton, N.J., by Morris April Bros.