

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster tails.

**DISPOSITION:** February 7, 1952. Default decree of condemnation and destruction.

**18231. Adulteration and misbranding of oysters. U. S. v. 320 Cans \* \* \*.**  
(F. D. C. No. 32586. Sample No. 26182-L.)

**LIBEL FILED:** January 11, 1952, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about January 8, 1952, by Robbins Brothers, from Port Norris, N. J.

**PRODUCT:** 320 1-pint cans of oysters at Indianapolis, Ind.

**LABEL, IN PART:** "Capitol Brand Oysters Standards Packed by Capitol Distributors Co., Inc."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and, Section 403 (a), the label statement "Packed by Capitol Distributors Co., Inc., Indianapolis, Ind." was false and misleading since the product was not packed by Capitol Distributors Co., Inc., at Indianapolis, Ind.

**DISPOSITION:** January 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**18232. Adulteration and misbranding of oysters. U. S. v. 304 Cans \* \* \*.**  
(F. D. C. No. 32433. Sample Nos. 3600-L, 3601-L.)

**LIBEL FILED:** January 15, 1952, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about January 7, 1952, by O. E. Wentworth & Co., from Baltimore, Md.

**PRODUCT:** 304 1-pint cans of oysters at Parkersburg, W. Va.

**LABEL, IN PART:** (Can) "Oysters standards Md. 45 One Pint Wentworth's Triangle Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since the total time that the oysters were in contact with water after leaving the shucker was more than 30 minutes.

**DISPOSITION:** February 7, 1952. Default decree of condemnation and destruction. Four cans were available for seizure, and these were destroyed.

**18233. Adulteration and misbranding of oysters. U. S. v. 144 Cans, etc.**  
(F. D. C. No. 32387. Sample Nos. 3820-L, 3821-L.)

**LIBEL FILED:** January 4, 1952, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about December 20, 1951, by the J. W. Ferguson Seafood Co., from Remlik, Va.

**PRODUCT:** 288 1-pint cans of oysters at Elizabeth City, N. C.

**LABEL, IN PART:** (Can) "Oysters Standards [or "Selects"] Rappahannock River Brand."

**NATURE OF CHARGE:** Adulteration, Sections 402 (b) (2) and (4), water had been substituted in part for oysters, and had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects since the total time that the oysters were in contact with water after leaving the shucker was more than 30 minutes and since they were not thoroughly drained before being packed into containers for shipment.

**DISPOSITION:** On or about February 11, 1952, a default decree of condemnation and destruction was entered.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**18234. Misbranding of canned peaches. U. S. v. 298 Cases \* \* \*. (F. D. C. No. 32489. Sample No. 27553-L.)**

**LABEL FILED:** February 4, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about December 22, 1951, by the Frank M. Wilson Co., from Stockton, Calif.

**PRODUCT:** 298 cases, each containing 24 1-pound, 13-ounce cans of peaches at Somerville, Mass.

**LABEL, IN PART:** (Can) "Finest Brand Sliced Peaches in Heavy Syrup Yellow Cling Variety."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the label of the product failed to bear, as required by the definition and standard of identity for canned peaches, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in a medium designated as "light sirup" in such definition and standard.

**DISPOSITION:** March 12, 1952. First National Stores, Inc., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the misbranded cans from those which were not misbranded and relabeling of the misbranded cans, under the supervision of the Federal Security Agency.

### FROZEN FRUIT

**18235. Adulteration of frozen strawberries. U. S. v. 83 Cans \* \* \*. (F. D. C. No. 32402. Sample No. 6008-L.)**

**LABEL FILED:** January 4, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about December 3, 1951, by Smith & Fyfe, Inc., from Buffalo, N. Y.

**PRODUCT:** 83 30-pound cans of frozen strawberries at Worcester, Mass.