

**ALLEGED SHIPMENT:** Between the approximate dates of June 28 and August 14, 1946, by the L. C. Mays Co., from New Orleans, La.

**PRODUCT:** 431 cases, each containing 24 cans, of crab meat at Providence, R. I.; Allentown and Easton, Pa.; Perth Amboy, N. J.; Worcester, Mass.; and Cleveland, Ohio.

**LABEL, IN PART:** (Can) "High Sea Brand Net Wt. 7 $\frac{7}{10}$  Ozs. [or "Drained Weight 6 $\frac{1}{2}$  Ozs.]" Vacuum Packed White Meat American Crab Meat," or "High Sea Brand Jumbo Lumps American Crab Meat Wt. 7 $\frac{7}{10}$  Ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat, in the Providence, Allentown, Easton, and Perth Amboy lots. (The drained weight averaged 5.46, 5.93, 6.23, and 6.76 ounces in the 4 shipments. The cans should have contained 8.24 ounces of drained crab meat.)

Misbranding, Section 403 (e) (2), some of the cans in the Easton lot failed to bear a label containing an accurate statement of the quantity of the contents. (The drained weight was less than declared.)

**DISPOSITION:** Between January 20 and December 3, 1947. The Brignac Canning Co., New Orleans, La., having appeared as claimant for the Pennsylvania lots, and no claimant having appeared for the other lots, judgments of condemnation were entered. The Pennsylvania lots were ordered released under bond for the segregation and the destruction of the unfit portion and the relabeling of the good portion, and the other lots were ordered destroyed.

**12517. Adulteration of crab meat. U. S. v. 463 Cans \* \* \*. (F. D. C. No. 23912. Sample Nos. 90370-H.)**

**LABEL FILED:** August 29, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 26, 1947, by Whorton Brothers, from Oriental, N. C.

**PRODUCT:** 463 1-pound cans of crab meat at Philadelphia, Pa.

**LABEL, IN PART:** "Whorton Brothers Claw Crabmeat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance. (Examination showed that the product was contaminated with *E. coli* of fecal origin.)

**DISPOSITION:** October 13, 1947. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED AND DRIED FRUIT

**12518. Misbranding of canned apricots and peaches and canned tomato juice. U. S. v. Colo-Flavor Products, Inc., and Everett E. Moore. Plea of guilty on behalf of the corporation; plea of nolo contendere by the individual. Fines, \$1,000 against the corporation and \$500 against the individual. (F. D. C. No. 23329. Sample Nos. 1986-H, 41333-H, 44969-H, 51496-H, 51498-H, 51700-H, 68084-H, 73368-H, 74001-H, 91803-H.)**

**INFORMATION FILED:** September 3, 1947, District of Colorado, against Colo-Flavor Products, Inc., Palisade, Colo., and Everett E. Moore, sales manager for the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of October 11 and December 21, 1946, from the State of Colorado into the States of Minnesota, Arizona, Missouri, North Carolina, Massachusetts, Nebraska, and Texas.

**LABEL, IN PART:** "Colo-Mesa Tree Ripened Whole Unpitted Apricots \* \* \* Packed by Colo-Flavor Products, Inc., Palisade, Colorado," "Colo-Mesa Brand Whole Apricots \* \* \* Farmers Union, Palisade, Colorado," "Colo-Mesa Halves Yellow Freestone Elberta Peaches \* \* \* Packed and Distributed by Farmers Union, Palisade, Colorado," "G. D. M. Brand \* \* \* Tomato Juice \* \* \* Distributed by G. D. Milligan Grocer Co., Springfield, Mo.," "Colo-Flavor Brand Tomato Juice \* \* \* Packed and Distributed by Farmers Union Marketing Assn., Denver and Palisade, Colo.," "Co-op Tomato Juice \* \* \* Packed for National Cooperatives, Inc., Chicago, Illinois," or "Marco Tomato Juice \* \* \* Distributed by H. A. Marr Grocery Co., Denver, Colorado Enid-Omaha-Amarillo."

**NATURE OF CHARGE:** Canned apricots. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned apricots, since more than 20 percent of the units in the container of the article were blemished with scab, discoloration, and other abnormalities; and the label of the article failed to bear a statement that it fell below such standard.

Canned peaches. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches, since the standard provides that, in the case of canned peaches of standard quality, except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units is crushed or broken, whereas the article consisted of peach halves and was packed in containers holding more than 20 units, and more than 5 percent of the units in the container were crushed or broken; and the label of the article failed to bear a statement that it fell below such standard.

Tomato juice. Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the labels on the cans of the article bore the statement "Contents 1 Qt. 14 Fl. Oz.," whereas the cans contained less than 1 quart, 14 fluid ounces.

**DISPOSITION:** October 21, 1947. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the court imposed fines of \$1,000 against the corporation and \$500 against the individual.

**12519. Adulteration of canned apricots. U. S. v. 67 Cases \* \* \*. (F. D. C. No. 21380. Sample No. 39202-H.)**

**LIBEL FILED:** October 29, 1946, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 20, 1946, by the Riverbank Canning Co., from Riverbank, Calif.

**PRODUCT:** 67 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Chicago, Ill.

**LABEL, IN PART:** "Sun-Red Whole Unpeeled Apricots In Light Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12520. Misbranding of canned apricots. U. S. v. 1,955 Cases \* \* \*. (F. D. C. No. 23711. Sample No. 75859-H.)**

**LIBEL FILED:** September 18, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 25, 1947, by the Foster & Wood Canning Co., from Lodi, Calif.

**PRODUCT:** 1,955 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Philadelphia, Pa.

**LABEL, IN PART:** "Asco Brand Tree-Ripened Whole Peeled Apricots In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the labels of portions of the article failed to bear the name of the optional packing medium, as required by the definition and standard of identity for canned apricots, since the labels on the cans bore the statement "In Heavy Syrup," whereas the cans in certain codes in the shipment contained sirup designated as "light sirup" in the definition and standard.

**DISPOSITION:** October 27, 1947. The Foster & Wood Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**12521. Misbranding of canned apricots. U. S. v. 673 Cases \* \* \*. (F. D. C. No. 21238. Sample No. 45653-H.)**

**LIBEL FILED:** October 14, 1946, District of Connecticut.

**ALLEGED SHIPMENT:** On or about August 12, 1946, by R. C. Isenbruck & Co., Moss Landing, Calif., from Oakland, Calif.

**PRODUCT:** 673 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Torrington, Conn.