

The case came on for trial on June 27, 1949, before the court and jury, at which time the plea of George W. Schulman was changed to nolo contendere. The trial was concluded on June 28, 1949, with a verdict of not guilty for the defendant firms. After the return of such verdict, and in accordance with a motion made on behalf of the Government, the case was dismissed with respect to George W. Schulman.

15183. Misbranding of canned oysters. U. S. v. 754 Cases * * *. (F. D. C. No. 27237. Samples Nos. 31838-K, 31839-K.)

LABEL FILED: May 17, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 19 and April 9, 1949, by the E. H. Bendiksen Co., South Bend, Wash.

PRODUCT: 754 cases, each containing 24 7½-ounce cans, of oysters, at Los Angeles, Calif.

LABEL, IN PART: "Bendiksen's East Point Fancy Select Pacific Oysters."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned oysters, and its label failed to bear a statement that it fell below such standard. The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

DISPOSITION: June 21, 1949. The E. H. Bendiksen Co., 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, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

15184. Adulteration of frozen shrimp. U. S. v 113 Cases * * *. (F. D. C. No. 26433. Sample No. 31390-K.)

LABEL FILED: January 1, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about June 18, 1948, by Pasquera De Topolohamp, Guaymas, Son., Mexico.

PRODUCT: 113 cases, each containing 10 5-pound packages, of frozen shrimp at Phoenix, Ariz.

LABEL, IN PART: (Package) "Ocean Pride Brand Fresh Frozen Shrimp."

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

DISPOSITION: June 24, 1949. Luis Soto Mercado, agent for Hector Ferreira, having appeared as claimant, and the court having found that the product was adulterated in that it consisted in whole or in part of a decomposed substance and contained a foreign substance, quaternary ammonium compound, which substance would tend to make the product dangerous for human consumption, judgment of condemnation was entered. The court ordered that the product be released under bond for the purpose of sorting, cleaning, salvaging, refreezing, and bringing it into compliance with the law, under the supervision of the Federal Security Agency. The entire lot of the product was reprocessed into fish bait.