

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Medium Red Cohoe Salmon" was false and misleading as applied to an article consisting of chum salmon or pink salmon.

DISPOSITION: August 23, 1949. The C. F. Buelow 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 for relabeling, under the supervision of the Federal Security Agency.

15277. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 27643, 27644. Sample Nos. 40199-K, 40200-K.)

LIBELS FILED: July 5, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about June 29, 1949, by the Neuse Crab & Oyster Co., from Oriental, N. C.

PRODUCT: 6 barrels, containing a total of 625 1-pound cans, of crab meat at Baltimore, Md. Analyses showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 1, 1949. The Neuse Crab & Oyster Co. having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be destroyed.

15278. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 27640, 27641. Sample Nos. 40446-K, 47611-K.)

LIBELS FILED: July 1 and 5, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about June 28 and 29, 1949, by the G. L. Whorton Co., from Oriental, N. C.

PRODUCT: Crab meat. 4 barrels, containing a total of 339 1-pound cans, and 1 box, containing 50 1-pound cans, at Baltimore, Md. Analysis showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1949. The G. L. Whorton Co. having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

15279. Adulteration and misbranding of canned cherries. U. S. v. 61 Cases
* * *. (F. D. C. No. 27582. Sample No. 50647-K.)

LIBEL FILED: July 22, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 17, 1946, by the Welch Fruit Products Co., from Chicago, Ill.

PRODUCT: 61 cases, each containing 6 cans, of cherries at Yakima, Wash.

LABEL, IN PART: (Can) "Welch's Crushed Bing Cherries Maraschino Flavor * * * Contents 8 Pounds."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, broken cherry pits, which might have rendered it injurious to health; and, Section 402 (a) (3), it consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was in part decomposed, contained an excessive amount of broken pits, and was short of the declared weight, "8 pounds.")

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

15280. Misbranding of canned cherries, canned peaches, and canned pears. U. S. v. D & D Foods Co. and Florian F. Dauenhauer. Pleas of nolo contendere. Fine of \$300 against company suspended; fine of \$300 against individual. (F. D. C. No. 27522. Sample Nos. 32268-K, 36599-K, 36600-K, 37988-K, 41428-K, 50101-K.)

INFORMATION FILED: September 16, 1949, Eastern District of Washington, against the D & D Foods Co., a partnership, Wenatchee, Wash., and Florian F. Dauenhauer, partner and manager of the firm.

ALLEGED SHIPMENT: On or about March 25 and December 2, 1948, and January 3, February 12, and March 22, 1949, from the State of Washington into the States of California, Oregon, Pennsylvania, and Massachusetts.

LABEL, IN PART: "Dawn Hour * * * Dark [or "Light"] Sweet Cherries," "Star Dee Brand Yellow Freestone Peaches Halves," "Star Dee Brand * * * Freestone Peaches Sliced," "Chick-A-Dee Brand Halves Yellow Freestone Peaches," and "Star Dee Brand Bartlett Pears Halves."

NATURE OF CHARGE: Canned cherries. Misbranding, Section 403 (g) (2), the label failed to bear, as the definition and standard of identity for canned sweet cherries requires, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in the definition and standard.

Canned peaches. Misbranding, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents since the label of such portion bore the statement "Net Weight 1 lb 13 oz.," which was inaccurate since the weight of the contents of the cans was less than 1 pound and 13 ounces net. Further misbranding, Section 403 (h) (1), the quality of certain lots of the article fell below the standard of quality for canned peaches since the largest peach units were more than twice the weight of the smallest; all peach units were not untrimmed or were so trimmed as not to preserve their normal shape; and the label of these lots failed to bear the substandard legend.

Canned pears. Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned pears since the largest pear units were more than twice the weight of the smallest; all pear units were not untrimmed or were so trimmed as not to preserve their normal shape; more than 10 percent of the pear units in a container of 10 or more units were crushed or broken; and the label failed to bear the substandard legend.