

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

DISPOSITION: July 20, 1950. Default decree of forfeiture and destruction.

16431. Adulteration of kippered herring. U. S. v. 47 Cases * * *. (F. D. C. No. 29259. Sample No. 35043-K.)

LABEL FILED: June 5, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about March 29, 1950, from Aberdeen, Scotland.

PRODUCT: 47 cases, each containing 14 pounds, of kippered herring at San Francisco, Calif.

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 moldy fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1950. Default decree of condemnation and destruction.

16432. Misbranding of flaked fish. U. S. v. 365 Cases * * *. (F. D. C. No. 28526. Sample Nos. 57425-K, 57431-K.)

LABEL FILED: January 17, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11 and October 9, 1946, from Iceland.

PRODUCT: 365 cases, each containing 48 15-ounce cans, of flaked fish at New York, N. Y.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Made from Fresh Haddock" which appeared on cans contained in certain cases, was false and misleading as applied to the product in those cans, which was not haddock. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1950. North Atlantic Fishery Products, Inc., New York, N. Y., 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.

16433. Adulteration and misbranding of oysters. U. S. v. Sam G. Buldis (National Fish & Oyster Co.). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$150.01. (F. D. C. No. 25314. Sample No. 36828-K.)

INFORMATION FILED: April 22, 1949, Western District of Washington, against Sam G. Buldis, trading as the National Fish & Oyster Co., Tacoma, Wash.

ALLEGED VIOLATION: On or about January 28, 1948, the defendant gave to a firm engaged in the business of shipping oysters in interstate commerce, at Seattle, Wash., a guaranty to the effect that no oysters sold by the defendant would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about March 29, 1948, the defendant sold and delivered to the holder of the guaranty, at Seattle, Wash., a quantity of oysters that were adulterated and misbranded.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (2), a product consisting of water and oysters which were not thoroughly drained before packing into the containers for shipments, had been substituted for oysters.

Count 2. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since the oysters were not thoroughly drained before packing and were packed with added water; and, Section 403 (g) (2), the product did not bear the name of the food, namely, "Pacific Oysters, Size 8 to 10 per pint," "Raw Pacific Oysters, Size 8 to 10 per pint," or "Shucked Pacific Oysters, Size 8 to 10 per pint," as specified in the definition and standard of identity for oysters.

DISPOSITION: A plea of not guilty having been entered, the matter came on for trial before the jury on May 3, 1950. On May 5, 1950, a verdict of guilty was handed down, and on May 15, 1950, the defendant having filed motions for a judgment of acquittal, or for a new trial, which motions were denied, the court imposed a fine of 1 cent on count 1 and \$150 on count 2.

16434. Misbranding of oysters. U. S. v. T. W. Hamilton & Co., a partnership, and Theron W. Hamilton. Plea of guilty. Fine, \$100. (F. D. C. No. 29134. Sample Nos. 2378-K, 2379-K.)

INFORMATION FILED: April 18, 1950, Eastern District of Virginia, against T. W. Hamilton & Co., a partnership, Chincoteague, Va., and Theron W. Hamilton, partner and plant manager.

ALLEGED SHIPMENT: On or about November 4, 1949, from the State of Virginia into the State of Ohio.

LABEL, IN PART: "Oysters selects [or "Standards"] Delicious Oysters One Pint Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "One Pint Net."

DISPOSITION: May 1, 1950. A plea of guilty having been entered, the court imposed a fine of \$100.

16435. Adulteration and misbranding of canned shrimp. U. S. v. 76 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 28740, 28836, 28878. Sample Nos. 60572-K to 60576-K, incl.)

LIBELS FILED: On or about February 13 and March 9 and 14, 1950, Northern District of Illinois; amended libel filed May 18, 1950.

ALLEGED SHIPMENT: On or about December 31, 1949, and January 20, 1950, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 599 cases, each containing 48 5-ounce cans, of shrimp at Chicago, Ill.

LABEL, IN PART: (350 Cases) "Hamilton's [or (249 Cases) "Bayou Rose Brand"] Wet Pack Shrimp."

NATURE OF CHARGE: 350 cases. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

249 Cases. Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned wet pack shrimp in nontransparent containers since the cut-out weight of shrimp taken from each can was less than 64 percent of the water capacity of the container, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: May 29, 1950. Hamilton Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the misbranded portion of the shrimp