

ALLEGED SHIPMENT: On or about February 22, 1950, by Quality Seafoods Co., Inc., from Pass Christian, Miss.

PRODUCT: 419 cases, each containing 48 unlabeled 4 $\frac{1}{2}$ -ounce cans, of oysters at Bayou La Batre, Ala.

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

DISPOSITION: April 14, 1950. The McPhillips Packing Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. The segregation operations resulted in the rejection and destruction of 51 cases. The remainder were relabeled and released.

16728. Adulteration of frozen shrimp. U. S. v. 125 Cases * * *. (F. D. C. No. 29523. Sample No. 75257-K.)

LIBEL FILED: August 16, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about July 31, 1950, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 125 cases, each containing 24 12-ounce cartons, of frozen shrimp at Denver, Colo.

LABEL IN PART: (Carton) "Ho-Ma Frozen Fresh 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: October 2, 1950. Morgan City Canning Co., Inc., having executed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

FRUITS AND VEGETABLES

DRIED FRUIT

16729. Adulteration of dried apples and dried apple chops. U. S. v. Valley Evaporating Co., a corporation, and Ralph Hallauer and Clarence Gerhardt. Pleas of not guilty. Tried to the court and jury. Verdict of guilty for corporation; fine of \$500, plus costs. Verdict of not guilty for individual defendants. (F. D. C. No. 27543. Sample Nos. 1721-K, 42130-K, 43651-K, 51260-K.)

INFORMATION FILED: October 14, 1949; amended information filed November 21, 1949, Eastern District of Washington, against the Valley Evaporating Co., Cowiche, Wash., and Ralph Hallauer and Clarence Gerhardt.

ALLEGED SHIPMENT: On or about December 31, 1948, and January 25 and February 28, 1949, from the State of Washington into the States of Georgia, Illinois, and Kentucky.

LABEL, IN PART: "Southern Special Washington Evaporated Apples Processed with Sulphur Dioxide Packed by Valley Evaporating Co. Yakima, Wash." or "Dried Apple Chops."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the dried apples consisted in part of a filthy substance by reason of the presence of rodent hairs

and rodent excreta, and the dried apple chops consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth, and the insanitary conditions consisted of mice infestation and rodent excreta pellets in the Cowiche plant at the time of the shipments.

DISPOSITION: Pleas of not guilty having been entered, the matter came on for trial before the court and jury on November 16, 1950. On November 20, 1950, the jury returned a verdict of guilty for the corporation and not guilty for the individual defendants. The court imposed a fine of \$500, plus costs, against the corporation.

16730. Adulteration of dried apricots. U. S. v. 79 Cases * * *. (F. D. C. No. 28738. Sample No. 63254-K.)

LIBEL FILED: February 23, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 8, 1949, by the Mayfair Packing Co., from San Jose, Calif.

PRODUCT: 79 cases, each containing 24 11-ounce boxes, of dried apricots at Somerville, Mass.

LABEL, IN PART: (Box) "Finast Brand Large Size Sun Dried Apricots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: April 28, 1950. The Mayfair Packing 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 to be brought into compliance with the law by reconditioning and destroying all objectionable material, under the supervision of the Food and Drug Administration. 946 pounds of the product were salvaged as fit for human consumption, and 215 pounds were found unfit and were destroyed.

FROZEN FRUIT

16731. Adulteration of frozen strawberries. U. S. v. 531 Cans, etc. (F. D. C. No. 29364. Sample Nos. 57589-K, 57590-K.)

LIBEL FILED: June 19, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about May 24, 1950, by Southern Frozen Foods, Inc., Monticello, Ga.

PRODUCT: 531 30-pound cans of sliced strawberries and 194 30-pound cans of whole strawberries at Brooklyn, N. Y.

LABEL, IN PART: (Can) "McKenzie's Sliced Strawberries [or "Whole Strawberries"] Packed In Sugar."

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 rotten berries.

DISPOSITION: October 30, 1950. Default decree of condemnation and destruction.