

17468. Adulteration of oysters. U. S. v. 84 Pints, etc. (F. D. C. No. 30836. Sample Nos. 3158-L, 3159-L.)

LIBEL FILED: February 16, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 12, 1951, by Dryden Bros., from Crisfield, Md.

PRODUCT: 84 pints of oysters standards and 144 pints of oysters selects at Asheville, N. C.

LABEL, IN PART: "1 Pint D-B Oysters * * * MD-200 * * * Oysters Standards [or "Oysters Selects"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: March 12, 1951. No claimant having appeared and the product having spoiled, judgment of condemnation and destruction was entered.

17469. Adulteration of frozen shrimp. U. S. v. 227 Cases * * *. (F. D. C. No. 30480. Sample No. 14767-K.)

LIBEL FILED: January 12, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 29, 1950, by Texas Fisherman's Coop. Assn., Inc., from Brownsville, Tex.

PRODUCT: 227 cases, each containing 10 5-pound cartons, of frozen shrimp at Detroit, Mich.

LABEL, IN PART: "Gulf King Brand Frozen Fresh Headless Shrimp."

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 decomposed shrimp.

DISPOSITION: March 21, 1951. Default decree of condemnation and destruction. The product was delivered to a Federal prison, for use as fertilizer.

FRUITS AND VEGETABLES

CANNED FRUIT

17470. Adulteration of canned cherries. U. S. v. 146 Cartons * * *. (F. D. C. No. 30791. Sample Nos. 24597-L, 28879-L.)

LIBEL FILED: March 1, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 7, 1951, by Seufert Bros. Co., from The Dalles, Oreg.

PRODUCT: 146 cartons, each containing 6 6-pound, 11-ounce cans, of cherries at Allentown, Pa.

LABEL, IN PART: (Can) "Celilo Brand Light Sweet Royal Anne Pitted Cherries In Light Syrup."

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 maggots.

DISPOSITION: May 22, 1951. Seufert Bros. Co., The Dalles, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released so that the good codes could be separated from the unfit codes and the latter destroyed under the supervision of the Food and Drug Administration. Segregation resulted in the destruction of 54 $\frac{1}{2}$ cases.

17471. Misbranding of canned cherries. U. S. v. 24 Cases * * *. (F. D. C. No. 30783. Sample No. 28875-L.)

LIBEL FILED: February 28, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 8, 1951, by Star Foods, Inc., from Salem, Oreg.

PRODUCT: 24 cases, each containing 48 10 $\frac{1}{2}$ -ounce cans, of cherries at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Red Tart Pitted Cherries In Light Syrup * * * Syrup Pack * * * O. F. P. Brand * * * Packed By Oregon Fruit Products Co. Salem, Oregon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Syrup Pack" was false and misleading as applied to a product which was packed in slightly sweetened water.

Further misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries; and its label failed to bear, as specified by the regulations, the name of the optional packing medium present since the label represented the packing medium to be light sirup, whereas the product was packed in a packing medium designated as "Slightly Sweetened Water" in such definition and standard.

DISPOSITION: May 2, 1951. Default decree of condemnation and destruction. The decree was amended May 10, 1951, directing that the product be delivered to charitable institutions.

17472. Misbranding of canned peaches. U. S. v. 146 Cases * * *. (F. D. C. No. 30816. Sample No. 28253-L.)

LIBEL FILED: March 5, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 22, 1951, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 146 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Parke's Brand * * * Salad Cut Elberta Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to bear the name of the optional peach ingredient and the name of the optional packing medium present as required by the definition and standard of identity for canned peaches. The label bore the statement "Salad Cut Elberta Peaches In Heavy Syrup," whereas the optional peach ingredient of the product was mixed pieces of irregular sizes and shapes and the optional packing medium used was light sirup.

DISPOSITION: March 21, 1951. The L. H. Parke Co., Philadelphia, Pa., 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 re-labeling under the supervision of the Federal Security Agency.