

## CHEESE

18517. Adulteration of cheese. U. S. v. Ponte Cheese Co., a partnership, and Luca E. Pontecorvo, a partner. Pleas of guilty. Partnership fined \$200 and individual defendant \$50, plus costs. (F. D. C. No. 31574. Sample Nos. 9599-L, 9600-L.)

INFORMATION FILED: February 4, 1952, Northern District of Indiana, against the Ponte Cheese Co., and Luca E. Pontecorvo, a partner.

ALLEGED SHIPMENT: On or about October 12, 1951, from the State of Indiana into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 18, 1952. Pleas of guilty having been entered, the partnership was fined \$200 and the individual defendant was fined \$50, plus costs.

## FISH AND SHELLFISH

18518. Adulteration of frozen H. & G. whiting. U. S. v. 192 Cartons \* \* \*. (F. D. C. No. 31851. Sample No. 10009-L.)

LABEL FILED: September 28, 1951, Western District of Michigan; amended October 6, 1951.

ALLEGED SHIPMENT: On or about September 8, 1951, by Griffin's Associated Fisheries, from Provincetown, Mass.

PRODUCT: 192 cartons, each containing 10 pounds, of frozen H. & G. whiting at Menominee, Mich.

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

DISPOSITION: April 8, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as fertilizer.

18519. Adulteration and misbranding of oysters. U. S. v. 42 Cans, etc. (and 4 other seizure actions). (F. D. C. Nos. 31989, 31991 to 31994, incl. Sample Nos. 4188-L to 4190-L, incl., 4192-L, 4193-L, 4198-L to 4201-L, incl.)

LABELS FILED: November 6 and 7, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 30 and 31, 1951, by J. S. Darling & Son, from Hampton, Va.

PRODUCT: 252 pint cans of oysters selects and 720 pint cans of oysters standards, in various lots, at Springfield, Newark, Zanesville, and Columbus, Ohio.

LABEL, IN PART: (Cans) "Oysters Standards [or "Selects"] Darling's Chesapeake Bay Salt Water Oysters Contents 1 Pint."

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

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects since in their preparation, the total time of contact with water or salt water after leaving the shucker was more than 30 minutes, the maximum time

provided by the regulations. Portions of the oysters failed also to conform to the definitions and standards of identity in that the oysters standards were of such size that 1 gallon contained more than 500 oysters, and a quart of the smallest oysters selected therefrom contained more than 138 oysters; and the oysters selects were of such size that 1 gallon contained more than 300 oysters, and a quart of the smallest oysters selected therefrom contained more than 83 oysters. Portions of the oysters failed also to conform to the definitions and standards in that the oysters had not been thoroughly drained as required by the regulations.

Further misbranding, Section 403 (e) (2), portions of the oysters failed to bear labels containing an accurate statement of the quantity of the contents since the cans contained less than 1 pint, the amount declared.

DISPOSITION: November 20 and 23, 1951. Default decrees of condemnation and destruction.

**18520. Misbranding of oysters. U. S. v. 689 Cans \* \* \*. (F. D. C. No. 31990. Sample No. 3346-L.)**

LIBEL FILED: November 9, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 29, 1951, by J. H. Miles & Co., Inc., from Norfolk, Va.

PRODUCT: 689 pint cans of oysters at Huntington, W. Va.

LABEL, IN PART: (Cans) "Oysters Standards Miles Famous Oysters 1 Pint."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since in the preparation of the oysters, the total time of contact with water or salt water after leaving the shucker was more than 30 minutes, the maximum time provided by the regulations establishing a definition and standard of identity for oysters; and, Section 403 (e) (2), the oysters failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared 1 pint.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**18521. Misbranding of canned cherries. U. S. v. 795 Cases \* \* \*. (F. D. C. No. 32599. Sample Nos. 13004-L, 13928-L.)**

LIBEL FILED: January 23, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about January 2, 1952, by the Stevens Canning Co., from Ogden, Utah.

PRODUCT: 795 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Denver, Colo.

LABEL, IN PART: "Silver Band Pitted Red Sour Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries since it contained an excessive number of pits and the label failed to bear the statement that the product fell below the standard.