18926. Misbranding of oysters. U. S. v. 344 Cans * * *. (F. D. C. No. 32878. Sample No. 3614–L.)

LIBEL FILED: On or about March 14, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 10, 1952, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 344 pint cans of oysters at Seymour, Ind.

LABEL, IN PART: "Oysters Standards One Pint Pride of the Chesapeake Md 196."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as oysters standards, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard since it was not thoroughly drained.

DISPOSITION: March 19, 1952. Carol Dryden & Co., Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 258 pints of the product were drained and repacked, resulting in the salvaging of 28 gallons and 5 pints.

18927. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32905. Sample No. 4432–L.)

LIBEL FILED: March 24, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 17, 1952, by A. B. Harris & Co., from Oxford, Md.

PRODUCT: 144 pint cans of oysters at Battle Creek, Mich.

LABEL, IN PART: "Tred Avon River Brand Oysters 1 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. (The cans contained less than 1 pint.)

DISPOSITION: May 13, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

18928. Misbranding of canned cherries. U. S. v. 47 Cases * * *. (F. D. C. No. 32962. Sample No. 26080–L.)

LIBEL FILED: March 20, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 31, 1951, by the Olympia Canning Co., from Olympia, Wash.

PRODUCT: 47 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: (Can) "Melrose Brand Pitted Black Bing Dark Sweet Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard for canned cherries since it contained an excessive number of

*See also No. 18948.