19166. Misbranding of whitefish caviar. U. S. v. 5 Cases, etc. (F. D. C. No. 32984. Sample Nos. 8968–L, 8969–L.)

LIBEL FILED: March 28, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 7, 1952, by Smith Bros., from Port Washington, Wis.

PRODUCT: Whitefish caviar. 5 cases, each containing 24 jars, and 4 cases, each containing 12 jars, at Lake Forest, Ill.

LABEL, IN PART: "Land O'Lakes Brand Whitefish Caviar Net Weight 3-½ Oz." [or "Net Weight 8 Oz."].

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the declared net weight.)

DISPOSITION: September 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Government hospital.

19167. Adulteration of oysters. U. S. v. Wayside Markets, Inc., and Arville P. Kuhlman. Pleas of guilty. Corporation fined $200 and costs; individual defendant fined $100. (F. D. C. No. 32764. Sample Nos. 33948–L, 34040–L, 34041–L, 34043–L.)

INFORMATION FILED: March 27, 1952, Eastern District of Missouri, against Wayside Markets, Inc., Rock Hill, Mo., and Arville P. Kuhlman, president.

ALLEGED VIOLATION: The defendant received, at Rock Hill, Mo., a number of cans of oysters which had been shipped in interstate commerce from the State of New York. While the product was being held for sale after shipment in interstate commerce, the defendant, within the period from on or about November 16, 1951, to on or about November 20, 1951, caused a quantity of water to be added to the cans of oysters.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, added water, had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the food and mixed with it so as to increase its bulk and reduce its quality.

DISPOSITION: April 11, 1952. Pleas of guilty having been entered, the court fined the corporation $200 and costs and the individual defendant $100.

19168. Adulteration and misbranding of oysters. U. S. v. 304 Cans * * *. (F. D. C. No. 32604. Sample No. 26195–L.)

LIBEL FILED: January 18, 1952, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about January 15, 1952, by F. F. East, Inc., from Maurice River, N. J.

PRODUCT: 304 pint cans of oysters at Eau Claire, Wis. Examination disclosed that the article contained added water.

LABEL, IN PART: "Oysters Standards One Pint Sailor Boy Brand."

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 product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for oysters standards since it was not thoroughly drained.