

**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 3-1/2 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.

The amount of water used in the vessel into which the oysters were shucked was more than that permitted, and the oysters were in contact with water for more than 30 minutes after leaving the shucker.

DISPOSITION: February 16, 1952. A default decree of condemnation was entered, and the court ordered that the product be delivered to a charitable organization.

## FRUITS AND VEGETABLES

### DRIED FRUIT\*

19169. Adulteration of pitted dates. U. S. v. Seng Terminal Warehouse Co. Plea of guilty. Fine, \$1,000, plus costs. (F. D. C. No. 32792. Sample No. 33854-L.)

INFORMATION FILED: September 4, 1952, Northern District of Illinois, against the Seng Terminal Warehouse Co., Chicago, Ill.

ALLEGED VIOLATION: On November 21, 1951, the defendants received at Chicago, Ill., a number of boxes of pitted dates which had been shipped from New York, N. Y.

Within the period from on or about November 21, 1951, to on or about March 5, 1952, while the dates were being held for sale after shipment in interstate commerce, the defendant placed the dates in a building that was accessible to rodents and infested with rodents, and caused the food to be exposed to contamination by rodents.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed dates; and, Section 402 (a) (4), it was held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1952. A plea of guilty having been entered, the court fined the defendant \$1,000 and costs.

### FRUIT BUTTER AND PRESERVES

19170. Adulteration of apple butter. U. S. v. Salomo Food Products Co. and Arthur H. Pieske and Frank Kuhlman. Pleas of nolo contendere. Corporation fined \$600 and costs; each individual defendant fined \$200. (F. D. C. No. 32765. Sample Nos. 31335-L, 31336-L.)

INFORMATION FILED: March 26, 1952, Eastern District of Missouri, against the Salomo Food Products Co., a corporation, St. Louis, Mo., and Arthur H. Pieske, president, and Frank Kuhlman, secretary-treasurer.

ALLEGED SHIPMENT: On or about October 9 and November 1, 1951, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "C. W. Pure Apple Butter \* \* \* Distributed by Tri-City Grocery Co. Granite City, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae head capsules, mites, rodent hair and insect fragments, fly eggs, fruit fly heads, feather barbules, and fly maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

\*See also No. 19156.