

**DISPOSITION:** June 3, 1953. The Wilsey-Bennett Co., San Francisco, Calif., 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 reworking under the supervision of the Department of Health, Education, and Welfare.

### CHEESE

**20319. Misbranding of muenster cheese. U. S. v. 48 Carton \* \* \*. (F. D. C. No. 34972. Sample Nos. 51678-L, 51679-L.)**

**LIBEL FILED:** April 28, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 1953, by Joe Schmid, from Beaver Dam, Wis.

**PRODUCT:** 48 cartons, each containing 6 5-pound loaves or round units, of muenster cheese at New York, N. Y.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Made From Pasteurized Milk" was false and misleading as applied to the product, which was made from milk which had not been pasteurized.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for muenster cheese since the article was made from milk which had not been pasteurized.

**DISPOSITION:** May 26, 1953. Default decree of condemnation and destruction.

### FISH AND SHELLFISH

**20320. Adulteration of frozen tullibeas. U. S. v. J. Kozloff Fish, Inc. Plea of nolo contendere. Fine, \$700. (F. D. C. No. 33824. Sample No. 48754-L.)**

**INFORMATION FILED:** November 14, 1952, Eastern District of Michigan, against J. Kozloff Fish, Inc., Detroit, Mich.

**ALLEGED SHIPMENT:** On or about March 27, 1952, from the State of Michigan into the State of Minnesota.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** July 10, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$700.

**20321. Misbranding of canned tuna flakes. U. S. v. 81 Cases \* \* \*. (F. D. C. No. 34662. Sample No. 64071-L.)**

**LIBEL FILED:** February 16, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about December 29, 1952, by Whitney & Co., from Seattle, Wash.

**PRODUCT:** 81 cases, each containing 48 cans, of tuna flakes at Freeport, Long Island, N. Y.

**LABEL, IN PART:** (Can) "Contents 6 Oz. His Highness Brand Chunk Style White Meat Flaked Tuna."

**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 the labeled 6 ounces.)

**DISPOSITION:** April 10, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court or-

dered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

20322. Adulteration of frozen breaded shrimp and frozen headless shrimp. U. S. v. Ho-Ma Packing Co. and John Domangue. Pleas of nolo contendere. Fine of \$500 against company and \$250 against individual. (F. D. C. No. 33832. Sample Nos. 42285-L, 42286-L.)

INFORMATION FILED: November 20, 1952, Eastern District of Louisiana, against the Ho-Ma Packing Co., a partnership, Houma, La., and John Domangue, general foreman of the company.

ALLEGED SHIPMENT: On or about May 13 and 23, 1952, from the State of Louisiana into the State of California.

LABEL, IN PART: "Ho-Ma Brand Breaded Fantail Shrimp" and "Frozen Shrimp Ho-Ma Brand Small."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of a decomposed substance by reason of the presence of decomposed shrimp; and, Section 402 (a) (4), the frozen breaded shrimp had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 29, 1953. Pleas of nolo contendere having been entered by the defendants, the court fined the partnership \$500 and the individual \$250.

## FRUITS AND VEGETABLES

### CANNED FRUIT

20323. Misbranding of canned pears. U. S. v. 236 Cases, etc. (F. D. C. No. 34931. Sample Nos. 45119-L, 45416-L.)

LIBEL FILED: April 6, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 24 and March 11, 1953, by Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.

PRODUCT: 461 cases, each containing 24 1-pound, 4-ounce cans, of pears at Somerville, Mass.

LABEL, IN PART: (Can) "Thank You Brand Halves Michigan Kieffer Pears \* \* \* In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned pears, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in the article since the label of the article bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated in the regulations as "Extra Heavy Sirup."

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned pears since all pear units of the article, when tested in accordance with the method prescribed in the standard, were not pierced by a weight of not more than 300 grams, since the weight of some pear halves of the article was less than  $\frac{3}{8}$  ounce, and since the weight of the largest unit in the container of the article was more than twice the weight of the smallest unit; and the label of the article failed to bear a statement that the article fell below the standard.