

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.

**DISPOSITION:** June 29, 1953: Michigan Fruit Cannery, Inc., claimant, 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 relabeling under the supervision of the Department of Health, Education, and Welfare.

### MISCELLANEOUS FRUIT PRODUCT

**20324. Adulteration of lekvar. U. S. v. 67 Tins, etc. (F. D. C. No. 34457. Sample No. 37887-L.)**

**LABEL FILED:** December 24, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 6, 1952, the Harter Packing Co. shipped a consignment of prunes from Yuba City, Calif., to New York, N. Y., where the juice was extracted and the residue sold to Adolph J. Mainzer, Inc., Long Island City, N. Y., which residue was used with other ingredients to make the lekvar.

**PRODUCT:** 67 40-pound tins and 8 300-pound drums of lekvar at Long Island City, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The product was adulterated when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** March 5, 1953. Default decree of condemnation and destruction.

### VEGETABLES\*

**20325. Misbranding of stuffed olives. U. S. v. Walter S. Mills, Jr. (Epicure Specialties). Plea of guilty. Fine, \$200. (F. D. C. No. 33827. Sample Nos. 26239-L, 26668-L, 26669-L, 41439-L.)**

**INFORMATION FILED:** November 12, 1952, Southern District of New York, against Walter S. Mills, Jr., trading as Epicure Specialties, New York, N. Y.

**ALLEGED SHIPMENT:** Between the approximate dates of November 21, 1951, and June 12, 1952, from the State of New York into the State of Pennsylvania.

**LABEL, IN PART:** "Mar-Se Stilton [or "Roquefort" or "Cheddar"] Stuffed Cocktail Olives Drained Weight 3½ Ozs. Packed Exclusively For Penn Food Distributors, Inc. Philadelphia, Pa." and "Mar-Se Triple Stuffed Olives Cont. Drained Wt. 3½ Oz. Packed Exclusively for Penn Food Distributors, Inc. Philadelphia, Pa."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the labels of the article failed to bear an accurate statement of the quantity of the contents. The labels of the article bore statements representing the drained weight of the article to be 3½ ounces, which statements were inaccurate since the article contained less than the stated quantity.

**DISPOSITION:** July 17, 1953. The defendant having entered a plea of guilty, the court fined him \$200.

**20326. Misbranding of canned peas. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 34924. Sample No. 73021-L.)**

**LABEL FILED:** April 16, 1953, Eastern District of Pennsylvania.

\*See also No. 20314.