CHARGE: 403(g)(1)—when shipped, the article purported to be and was represented as raw oyster counts, a food for which a definition and standard of identity has been prescribed by regulations, and the article failed to conform to such definition and standard which provides that raw oyster counts are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters. The oysters of the article were of such size that one gallon contained 256 oysters and a quart of the smallest oysters selected from one gallon contained 102 oysters.

DISPOSITION: 12–18–58. Default—destruction.

25498. Oysters. (F.D.C. No. 42647. S. No. 5–155 P.)

QUANTITY: 27 bbls., containing a total of 4,000 12-oz. cans, and 20 gal. of oysters (standards); and 1,000 12-oz. cans, and 10 gal. of oysters (selects), at Canton, Ohio.

SHIPPED: 12–11–58, from Cheriton, Va., by H. Allen Smith.

LABEL IN PART: (Can) "Pioneer Brand Oysters * * * Packed for the Canton Provision Co. Canton, Ohio."

LIBELED: 12–15–58, N. Dist. Ohio.

CHARGE: 402(b)(2)—when shipped, water had been substituted in part for oysters; 402(b)(4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality; and 403(g)(1)—the oyster standards and the oyster selects failed to conform to the definitions and standards of identity for such oysters since the total time of their contact with water or salt water after leaving the shucker was more than 30 minutes.

DISPOSITION: 1–30–59. Default—delivered to a public institution for its use and not for sale.

FRUITS AND VEGETABLES

DRIED FRUIT

25499. Dried apricots (2 seizure actions). (F.D.C. Nos. 41490, 41502. S. Nos. 38–888 P, 38–890 P.)

QUANTITY: 420 cases, 24 bags each, at Philadelphia, Pa., and New York, N.Y.

SHIPPED: 2–5–58 and 2–6–58, from San Jose, Calif., by Valley View Packing Co., Inc.

LABEL IN PART: (Bag) "Valley View Fancy [or "Large"] Santa Clara Apricots Net weight 12 [or "11"] Ounces."

LIBELED: 3–28–58 and 4–18–58, E. Dist. Pa., and S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent pellets, insects, insect parts, and pieces of dirt when shipped.

DISPOSITION: 5–14–58 and 5–15–58. Consent—claimed by Valley View Packing Co., Inc. Segregated; 1,275 lbs. denatured for use as animal feed.

25500. Dates. (F.D.C. No. 42595. S. Nos. 54–016/18 P.)

QUANTITY: 383 70-lb. cases at St. Louis, Mo.

SHIPPED: On an unknown date, from New York, N.Y.