12913. Adulteration of frozen crab cocktail and frozen oyster cocktail. U. S. v. 269 Cases * * * (and 1 other seizure action). (F. D. C. No. 21210. Sample Nos. 64328–H, 64329–H, 64333–H.)

LIBELS FILED: October 2, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about August 1, 1946, by the Island Seafood Co., Inc., Everett, Wash.

PRODUCT: 269 cases, each containing 42 7-ounce packages, of frozen crab cocktail and 150 cases, each containing 42 7-ounce packages, of frozen oyster cocktail at New York, N. Y.

LABEL, IN PART: "Deep-Pak Frozen Fresh Sea Food Dungeness Crab Cocktail [or "Pacific Oyster Cocktail"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting largely of tomato sauce containing about 25 percent oysters, in the oyster cocktail, and 35 percent crab meat, in the crab cocktail, had been substituted for oyster cocktail and crab cocktail, respectively.

Misbranding, Section 403 (a), the names "Crab Cocktail" and "Oyster Cocktail" were false and misleading.

DISPOSITION: On January 3 and May 8, 1947, the Island Seafood Co., Inc., claimant for the crab cocktail, and the Famous Frosted Food Corp., claimant for the oyster cocktail, having admitted the allegations of the respective libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled.

On June 9 and 18, 1947, the claimant for the crab cocktail having failed to carry out the terms and conditions of the decree, amended decrees were entered ordering the product condemned but permitting its delivery to charitable institutions.

12914. Adulteration and misbranding of oyster cocktail. U. S. v. 21 Cases * * *. (F. D. C. No. 23364. Sample No. 75251–H.)

LIBEL FILED: July 16, 1947, District of Nevada.

ALLEGED SHIPMENT: On or about June 9, 1947, by H. F. Walker, from Oakland, Calif.

PRODUCT: 21 cases, each containing 48 3½-ounce jars, of oyster cocktail at Reno, Nev.

LABEL, IN PART: "Sail Boat Seafood Cocktail Oyster * * * Contains Water Vinegar Catsup and Spices."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting largely of spiced tomato sauce with about 15 percent of oyster meat had been substituted for oyster cocktail.

Misbranding, Section 403 (a), the label designation "Seafood Cocktail Oyster" was misleading as applied to a product consisting largely of spiced tomato sauce with about 15 percent of oyster meat.

DISPOSITION: September 3, 1947. Default decree of condemnation and destruction.

12915. Adulteration of frozen oyster stew and frozen oyster cocktail. U. S. v. 492 Packages, etc. (F. D. C. No. 22799. Sample Nos. 76347–H to 76349–H, incl.)

LIBEL FILED: April 1, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 28, 1947, by Sterling Point Frosted Foods, from Jersey City, N. J.

PRODUCT: 492 15-ounce packages of frozen oyster stew and 336 packages of frozen oyster cocktail at New Orleans, La.

LABEL, IN PART: "Oyster Stew with Milk Bay Leaf Brand [or "Oyster Cocktail with Sauce"] New Orleans Style Frozen Cooked Specialties, Inc., New Orleans, Louisiana."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of contamination with iron rust and paraffin.

DISPOSITION: May 2, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.