20629. Adulteration of crab cocktail and shrimp cocktail. U. S. v. 29 Cases, etc. Decree of condemnation. Action for criminal contempt instituted against Alvin Flake. Contempt action dismissed. (F. D. C. No. 33679. Sample Nos. 30669–L, 64021–L, 64022–L.)

LIBEL FILED: September 11, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about July 23 and August 5, 1952, by the M. & S. Canning Co., from Milwaukie, Oreg.

PRODUCT: 29 cases, each containing 24 3¼-ounce jars, and 49 cases, each containing 24 3-ounce jars, of crab cocktail, and 24 cases, each containing 24 3-ounce jars, of shrimp cocktail, at Seattle, Wash. Examination showed that the products consisted of tomato sauce with small amounts of crabmeat and shrimpmeat.

LABEL, IN PART: (Jar) "Smith's Sea Foods Crab Cocktail [or "Shrimp Cocktail"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, crabmeat and shrimpmeat, had been in part omitted from the articles.

DISPOSITION: On April 3, 1953, a default decree of condemnation and destruction was entered. Thereafter, the United States marshal attempted to locate the product for the purpose of effecting its destruction in accordance with the terms of the decree, but was unable to find any portion of it. Subsequently, an action for criminal contempt was instituted against Alvin Flake, a food broker engaged in business in Seattle, based upon the unwarranted disappearance of the product. The contempt action came on for hearing before the court on December 5, 1953, and, at the conclusion of the Government's case, a motion was made by Defendant Flake for dismissal of the action because of insufficiency of proof. After consideration of the testimony and the arguments of counsel, the court found that the defendant was not guilty of contempt of court as charged and ordered that the contempt proceedings be dismissed.

20630. Adulteration of crabmeat. U. S. v. 4 Boxes * * *. (F. D. C. No. 35545. Sample No. 50308–L.)

LIBEL FILED: July 27, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about July 18, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.

PRODUCT: 4 boxes, each containing 100 1-pound cans, of crabmeat at New York, N. Y. Examination showed that the product was contaminated with *E. coli*.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health.

DISPOSITION: September 17, 1953. Default decree of condemnation and destruction.

20631. Adulteration of crabmeat. U. S. v. 200 Cans, etc. (F. D. C. No. 35544. Sample Nos. 2583–L, 50305–L, 50306–L.)

LIBEL FILED: July 24, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about July 14, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.