

Misbranding (other shipments), Section 403 (a) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, in that the covers of the cans enclosing the food bore the statement "1 Lb." and the crab meat contained in the cans weighed less than 1 pound.

**DISPOSITION:** March 15, 1947. A plea of nolo contendere having been entered, the defendant was fined \$150 and was placed on probation for a period of 2 years.

**11917. Adulteration of canned clams. U. S. v. 17 Cases \* \* \*. (F. D. C. No. 21639. Sample No. 57177-H.)**

**LABEL FILED:** December 4, 1946, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about August 24, 1946, by the L. Ray Packing Co., from Cherryfield, Maine.

**PRODUCT:** 17 cases, each containing 48 2<sup>1</sup>/<sub>16</sub> x 4-inch size cans, of clams at Providence, R. I. Examination showed that the cans contained an average of 4.71 ounces of drained clams, whereas cans of that size should contain a minimum of 5 ounces of drained clams.

**LABEL, IN PART:** "Ray Brand Contents 10<sup>1</sup>/<sub>2</sub> Oz. Avoir. Fancy Maine Clams Packed by L. Ray Company Milbridge, Maine."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for clams.

**DISPOSITION:** January 21, 1947. The L. Ray Packing Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

**11918. Adulteration of canned oysters. U. S. v. 1,810 Cases \* \* \*. (F. D. C. No. 21692. Sample No. 58743-H.)**

**LABEL FILED:** November 13, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 7, 1946, by Dungeness Co., from Wichita, Kansas.

**PRODUCT:** 1,810 cases, each containing 48 8-ounce cans, of oysters at Seattle, Wash.

**LABEL, IN PART:** "Haines Brand Fancy Pacific Oysters," "Shoalwater Brand Oysters," or "Nip-Tide Brand Pacific Oysters."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 24, 1947. The Dungeness Sales Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated and sorted from the unfit portion, under the supervision of the Federal Security Agency.

**11919. Adulteration of frozen shrimp. U. S. v. 6 Boxes \* \* \*. (F. D. C. No. 21610. Sample Nos. 63520-H, 63521-H.)**

**LABEL FILED:** November 4, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 29, 1946, by the Golden Meadow Fisheries Co., from Golden Meadow, La.

**PRODUCT:** 6 boxes, containing a total of 728 pounds, of frozen shrimp at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11920. Adulteration of frozen shrimp. U. S. v. 299 Cases \* \* \*. (F. D. C. No. 21826. Sample No. 17062-H.)**

**LABEL FILED:** December 11, 1946, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 26, 1946, by the Liberty Ice & Cold Storage Co., from New Orleans, La.

**PRODUCT:** 299 cases, each containing 10 5-pound boxes, of frozen shrimp at Chicago, Ill.

**LABEL, IN PART:** "Frozen Fresh Shrimp Lodrigues Brothers Seafoods New Orleans, La."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 6, 1947. The Pelican Oyster & Fish Co., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Federal Security Agency.

**11921. Misbranding of canned shrimp. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 21627. Sample No. 64227-H.)**

**LIBEL FILED:** November 13, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 5, 1946, from New Orleans, La., by L. Lopez Sons.

**PRODUCT:** 5 cases, each containing 48 cans, of shrimp at Newburgh, N. Y.

**LABEL, IN PART:** (Cans) "Lopez Brand Drained Weight 7 Oz. Wet Pack Large Shrimp."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.) Further misbranding, Section 403 (h) (2), the article purported to be and was represented as canned wet pack shrimp, a food for which a standard of fill of container had been prescribed by the regulations, and it fell below such standard since the containers of the article were not so filled that the cut-out weight of shrimp taken from each can was not less than 64 percent of the water capacity of the container; and the label of the article failed to bear a statement that it fell below such standard.

**DISPOSITION:** December 18, 1946. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES\*

### CANNED FRUIT

**11922. Adulteration of canned blackberries. U. S. v. 115 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 21654, 21711. Sample Nos. 62302-H, 62303-H.)**

**LIBELS FILED:** November 15 and 20, 1946, Western and Southern Districts of New York.

**ALLEGED SHIPMENT:** On or about September 19, 1946, by Charles L. Diven, from Portland, Oreg.

**PRODUCT:** Canned blackberries. 115 cases at New York City and 328 cases at Buffalo, N. Y. Each case contained 6 6-pound, 7-ounce cans, of the product.

**LABEL, IN PART:** "Varick Blackberries in Water Francis H. Leggett & Co. Distributors New York, N. Y.," or "Cream of the Valley Blackberries in Water."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries.

**DISPOSITION:** March 4 and April 28, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

**11923. Adulteration of canned blueberries. U. S. v. 1,068 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 21655, 22165. Sample Nos. 43071-H, 90726-H.)**

**LIBELS FILED:** November 19, 1946, and January 9, 1947, District of Columbia.

**ALLEGED SHIPMENT:** On or about September 21 and 24, 1946, by the Sea-Land Frosted Foods Corp., from Webster, N. Y.

**PRODUCT:** 1,068 cases and 1,220 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Washington, D. C.

\*See also Nos. 11853, 11854.