

**ALLEGED SHIPMENT:** On or about December 16, 1950, by H. Allen Smith, Cheriton, Va.

**PRODUCT:** 344 pint cans of oysters at Mount Vernon, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** February 19, 1951. Default decree of destruction.

**17034. Misbranding of oysters. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 30213. Sample No. 67554-K.)**

**LIBEL FILED:** December 15, 1950, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 12, 1950, by the Milbourne Oyster Co., from Crisfield, Md.

**PRODUCT:** 2 barrels, each containing 160 pint cans, of oysters at Springfield, Ill.

**LABEL, IN PART:** "Oysters Standards 338 Contents 1 Pint Milbourne Delicious Salt Water Raw Oysters Md 203."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the containers failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 1 pint, the declared volume.)

**DISPOSITION:** December 21, 1950. The Milbourne Oyster Co., 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 repackaging and relabeling, under the supervision of the Food and Drug Administration.

The 303 pints of oysters which were seized were repacked in properly filled gallon cans and produced the equivalent of 286 pints.

**17035. Adulteration of frozen shrimp. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 29973. Sample Nos. 75059-K, 75060-K.)**

**LIBEL FILED:** November 1, 1950, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 23, 1950, by Shapiro Fisheries, Inc., from Port Lavaca, Tex.

**PRODUCT:** 14 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

**LABEL, IN PART:** "Shap Brand Shrimp Frozen Fresh."

**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 decomposed shrimp.

**DISPOSITION:** December 5, 1950. Default decree of condemnation and destruction. On December 8, 1950, an amended decree was entered providing for the sale of the product for use as animal feed, the product to be prepared for such use under the supervision of the Food and Drug Administration.

**17036. Adulteration of frozen shrimp. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 29955. Sample No. 70623-K.)**

**LIBEL FILED:** October 27, 1950, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about September 26, 1950, by the J. R. Clegg Shrimp Co., from Port Lavaca, Tex.

**PRODUCT:** 10 cases, each containing 10 5-pound cartons, of frozen shrimp at Muskogee, Okla.

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

**DISPOSITION:** February 1, 1951. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**17037. Misbranding of canned apricots. U. S. v. 349 Cases \* \* \*. (F. D. C. No. 30315. Sample No. 35782-K.)**

**LIBEL FILED:** December 1, 1950, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 2, 1950, by Reid Murdoch, from San Francisco, Calif.

**PRODUCT:** 349 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Bayonne, N. J.

**LABEL, IN PART:** (Can) "Yacht Club \* \* \* Unpeeled Halves Apricots Packed In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the regulations, the name of the optional packing medium present since the label bore the statement "Packed In Heavy Syrup," whereas the product was packed in light sirup.

**DISPOSITION:** January 25, 1951. The Sun Garden Packing Co., 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 to be relabeled, under the supervision of the Food and Drug Administration.

**17038. Adulteration of canned boysenberries. U. S. v. 48 Cases \* \* \*. (F. D. C. No. 30151. Sample No. 70511-K.)**

**LIBEL FILED:** November 21, 1950, District of Kansas.

**ALLEGED SHIPMENT:** On or about January 17, 1950, from Salem, Oreg.

**PRODUCT:** 48 cases, each containing 24 1-pound, 4-ounce cans, of boysenberries at Coffeyville, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the article was undergoing chemical decomposition.) The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 22, 1951. Default decree of condemnation and destruction.

**17039. Misbranding of canned cherries. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 30312. Sample No. 67783-K.)**

**LIBEL FILED:** December 1, 1950, District of Idaho.

**ALLEGED SHIPMENT:** On or about August 4 and September 4, 1950, by Varney Canning, Inc., Roy, Utah.

**PRODUCT:** 74 cases, each containing 6 6-pound, 12-ounce cans, of cherries at Twin Falls, Idaho.

**LABEL, IN PART:** "Leota Brand Pitted Red Sour Cherries."