

17172. Adulteration of smoked sprats. U. S. v. 197 Bundles * * *. (F. D. C. No. 30409. Sample No. 24193-L.)

LIBEL FILED: February 2, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1950, by Mohr & Ziegert, from Bremen, Germany.

PRODUCT: 197 bundles, each containing 5 13-ounce boxes, of smoked sprats 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 by reason of the presence of moldy fish.

DISPOSITION: March 2, 1951. Default decree of condemnation and destruction.

17173. Adulteration of canned oysters. U. S. v. 319 Cases * * *. (F. D. C. No. 27710. Sample No. 53925-K.)

LIBEL FILED: August 26, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 10, 1949, by Hercules George, from New Orleans, La.

PRODUCT: 319 cases, each containing 48 cans, of oysters at Biloxi, Miss.

LABEL, IN PART: "Better Buy Oysters Drained Weight 4 $\frac{2}{3}$ Oz." or "American Beauty Oysters."

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 oysters.

DISPOSITION: December 6, 1950. Anticich Canning Co., Inc., Biloxi, Miss., having appeared as claimant, the case came on for hearing on the motion of the claimant to release portions of the product identified by certain codes. The court, after examining the proof, interrogatories, and admissions of counsel, found that the libel should be sustained and the article condemned, but that certain codes were fit for human consumption and met the requirements of the Federal Food, Drug, and Cosmetic Act. Thereupon, the court ordered that the fit codes (155 cases) be released from seizure and made available for distribution and consumption; that certain codes (113 cases) be released to the claimant under bond to be brought into compliance with the law; and that the remaining codes (7 cases) be destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

17174. Adulteration of canned blueberries. U. S. v. 39 Cases * * *. (F. D. C. No. 30327. Sample No. 80463-K.)

LIBEL FILED: December 8, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about September 6, 1950, by the Northeastern Packing Co., from Columbia Falls, Maine.

PRODUCT: 39 cases, each containing 24 1-pound, 3-ounce cans, of blueberries at Hartford, Conn.

LABEL, IN PART: (Can) "Spoon Blueberries in Juice."

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

DISPOSITION: March 14, 1951. Default decree of condemnation and destruction.