

provided by the regulations. Portions of the oysters failed also to conform to the definitions and standards of identity in that the oysters standards were of such size that 1 gallon contained more than 500 oysters, and a quart of the smallest oysters selected therefrom contained more than 138 oysters; and the oysters selects were of such size that 1 gallon contained more than 300 oysters, and a quart of the smallest oysters selected therefrom contained more than 83 oysters. Portions of the oysters failed also to conform to the definitions and standards in that the oysters had not been thoroughly drained as required by the regulations.

Further misbranding, Section 403 (e) (2), portions of the oysters failed to bear labels containing an accurate statement of the quantity of the contents since the cans contained less than 1 pint, the amount declared.

DISPOSITION: November 20 and 23, 1951. Default decrees of condemnation and destruction.

**18520. Misbranding of oysters. U. S. v. 689 Cans \* \* \*. (F. D. C. No. 31990. Sample No. 3346-L.)**

LIBEL FILED: November 9, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 29, 1951, by J. H. Miles & Co., Inc., from Norfolk, Va.

PRODUCT: 689 pint cans of oysters at Huntington, W. Va.

LABEL, IN PART: (Cans) "Oysters Standards Miles Famous Oysters 1 Pint."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since in the preparation of the oysters, the total time of contact with water or salt water after leaving the shucker was more than 30 minutes, the maximum time provided by the regulations establishing a definition and standard of identity for oysters; and, Section 403 (e) (2), the oysters failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared 1 pint.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**18521. Misbranding of canned cherries. U. S. v. 795 Cases \* \* \*. (F. D. C. No. 32599. Sample Nos. 13004-L, 13928-L.)**

LIBEL FILED: January 23, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about January 2, 1952, by the Stevens Canning Co., from Ogden, Utah.

PRODUCT: 795 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Denver, Colo.

LABEL, IN PART: "Silver Band Pitted Red Sour Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries since it contained an excessive number of pits and the label failed to bear the statement that the product fell below the standard.

**DISPOSITION:** March 6, 1952. The shipper, 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.

**18522. Misbranding of canned peaches. U. S. v. 216 Cases \* \* \*. (F. D. C. No. 32511. Sample No. 2848-L.)**

**LIBEL FILED:** February 12, 1952, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about August 31 and September 13, 1951, by J. A. Jones, from Easley, S. C.

**PRODUCT:** 216 cases, each containing 24 cans, of peaches at Lynchburg, Va.

**LABEL, IN PART:** "Powhatan Brand Yellow Freestone Peaches Halves In Heavy Syrup Contents 1 Lb. 13 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the cans contained an excessive number of crushed or broken pieces and excessive peel, and the peaches were not of uniform size; and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** April 12, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### VEGETABLES AND VEGETABLE PRODUCTS

**18523. Adulteration of fava beans. U. S. v. 24 Bags \* \* \* (and one other seizure action). (F. D. C. Nos. 31788, 31789. Sample Nos. 25610-L, 26371-L.)**

**LIBELS FILED:** October 16, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 10, 1951, by the Thos. Pipitone Co., from New York, N. Y.

**PRODUCT:** 34 50-pound bags of fava beans at Philadelphia, Pa.

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

**DISPOSITION:** April 2 and 22, 1952. Default decrees of condemnation and destruction.

**18524. Adulteration of canned corn. U. S. v. 101 Cases \* \* \*. (F. D. C. No. 31816. Sample No. 32029-L.)**

**LIBEL FILED:** September 15, 1951, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 17, 1951, by the Griffin Grocery Co., from Muskogee, Okla.

**PRODUCT:** 101 cases, each containing 24 1-pound cans, of corn at Joplin, Mo.

**LABEL, IN PART:** (Can) "Griffin's \* \* \* Whole Grain Golden Sweet Corn."

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

**DISPOSITION:** January 3, 1952. The Griffin Grocery Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to the claimant, conditioned that the product be brought into compliance with the law, under the supervision of the Food and Drug Administration.