

18678. Adulteration and misbranding of oysters. U. S. v. 119 Cans * * *
(F. D. C. No. 31924, Sample No. 11995-L.)

LABEL FILED: October 23, 1951, Southern District of Ohio.
ALLEGED SHIPMENT: On or about October 17, 1951, by McCready Bros., from Cape Charles, Va.

PRODUCT: 119 1-pint cans of oysters at Milford, Ohio.

LABEL, IN PART: (Cans) "Oysters * * * Standards and Oysters * * * Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects, since the regulations provide that such oysters are thoroughly drained, whereas they had not been thoroughly drained.

DISPOSITION: November, 30, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18679. Misbranding of canned cherries. U. S. v. 13 Cases * * * (F. D. C. No. 32551. Sample Nos. 30466-L, 30481-L.)

LABEL FILED: March 10, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about September 7, 1951, and February 20, 1952, by the Pacific Fruit & Produce Co., from Portland, Oreg.

PRODUCT: 13 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Kelso, Wash.

LABEL, IN PART: "Standby Red Cherries Pitted Tart."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a standard of identity has been prescribed by regulations; and the label failed to bear, as required by the regulations, the name of the optional cherry ingredient present, namely, "Red Tart" preceded or followed by the word "Pitted."

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 12, 1952. Default decree of condemnation and destruction.

DRIED FRUIT

18680. Adulteration of dried apricots. U. S. v. 200 Cases * * * (F. D. C. No. 28478. Sample No. 33180-K.)

LABEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 21, 1949, by the Warren Dried Fruit Co., from San Francisco, Calif.

PRODUCT: 200 25-pound cases of dried apricots at New York, N. Y.