

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "One Pint."

**DISPOSITION:** January 19, 1952. Default decree of condemnation and destruction.

**18827. Misbranding of oysters. U. S. v. 434 Cans \* \* \*. (F. D. C. No. 32314. Sample No. 3595-L.)**

**LIBEL FILED:** December 20, 1951, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 14, 1951, by the Crisfield Supply Co., from Crisfield, Md.

**PRODUCT:** 434 cans of oysters at Scranton, Pa.

**LABEL, IN PART:** "Oysters Standards One Pint."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "One Pint."

**DISPOSITION:** March 5, 1952. Default decree of forfeiture and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**18828. Adulteration of canned mashed bananas. U. S. v. 56 Cases \* \* \*. (F. D. C. No. 32658. Sample No. 16982-L.)**

**LIBEL FILED:** February 11, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about September 11, 1951, from New York, N. Y.

**PRODUCT:** 56 cases, each containing 10 6-pound, 8-ounce cans, of canned mashed bananas at Los Angeles, Calif.

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

**DISPOSITION:** March 7, 1952. Default decree of condemnation and destruction.

**18829. Adulteration of canned boysenberries. U. S. v. 1,397 Cases \* \* \*. (F. D. C. No. 32072. Sample No. 13591-L.)**

**LIBEL FILED:** November 6, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about February 20, 1951, from Salem, Oreg.

**PRODUCT:** 1,397 cases, each containing 48 8½-ounce cans, of boysenberries at Denver, Colo.

**LABEL, IN PART:** "Red Tag Boysenberries."

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

**DISPOSITION:** December 17, 1951. Safeway Stores, Inc., Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond for segregation into three groups; that the first group be released for sale by the

claimant; that the second be disposed of as ordered by the Food and Drug Administration; and that the third be released for reprocessing by Paulus Bros., Salem, Oreg., under the supervision of the Food and Drug Administration. 389 cases of the product were delivered to Paulus Bros. and were re-canned, resulting in the salvaging of 358½ cases.

### DRIED FRUIT

**18830. Adulteration of dried mixed fruit and dried pears. U. S. v. 50 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 32999, 33022. Sample Nos. 1970-L to 1972-L, incl., 5093-L.)**

**LIBELS FILED:** March 31 and April 8, 1952, Southern District of Florida and District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 15 and 28, 1952, by Rosenberg Bros. & Co., Inc., from Oakland and Fresno, Calif.

**PRODUCT:** 50 cartons, each containing 24 12-ounce packages, of dried mixed fruit, and 8 cartons, each containing 24 1-pound bags, 6 cartons, each containing 25 pounds, and 24 cartons, each containing 24 12-ounce packages, of dried pears, at Miami, Fla., and Somerville, Mass.

**LABEL, IN PART:** "Sugarripe Fancy Mixed Fruit," "Sugarripe Brand California Dried Fruits Large Pears," "Ensign Brand California Dried Fruit Fancy Pears," and "Ensign Brand California Dried Fancy Halved Pears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect excreta, rodent hairs, and rodent excreta; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

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

### VEGETABLES

**18831. Adulteration of dried kidney beans. U. S. v. 500 Cases \* \* \* (F. D. C. No. 32574. Sample No. 10530-L.)**

**LIBEL FILED:** March 5, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 23, 1951, by the Washburn-Wilson Seed Co., from Batavia, N. Y.

**PRODUCT:** 500 cases, each containing 24 1-pound packages, of dried kidney beans at Chicago, Ill.

**LABEL, IN PART:** "Washburn's Fancy Kidney Beans."

**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 stones and hardened clumps of dirt.

**DISPOSITION:** April 3, 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 brought into compliance with the law by cleaning and the removing of all foreign matter, under the supervision of the Food and Drug Administration. A total of 90 pounds of dirt and foreign materials was destroyed.