

18926. Misbranding of oysters. U. S. v. 344 Cans * * *. (F. D. C. No. 32878. Sample No. 3614-L.)

LIBEL FILED: On or about March 14, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 10, 1952, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 344 pint cans of oysters at Seymour, Ind.

LABEL, IN PART: "Oysters Standards One Pint Pride of the Chesapeake Md 196."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as oysters standards, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard since it was not thoroughly drained.

DISPOSITION: March 19, 1952. Carol Dryden & Co., Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 258 pints of the product were drained and repacked, resulting in the salvaging of 28 gallons and 5 pints.

18927. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32905. Sample No. 4432-L.)

LIBEL FILED: March 24, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 17, 1952, by A. B. Harris & Co., from Oxford, Md.

PRODUCT: 144 pint cans of oysters at Battle Creek, Mich.

LABEL, IN PART: "Tred Avon River Brand Oysters 1 Pint Net."

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. (The cans contained less than 1 pint.)

DISPOSITION: May 13, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

18928. Misbranding of canned cherries. U. S. v. 47 Cases * * *. (F. D. C. No. 32962. Sample No. 26080-L.)

LIBEL FILED: March 20, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 31, 1951, by the Olympia Canning Co., from Olympia, Wash.

PRODUCT: 47 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: (Can) "Melrose Brand Pitted Black Bing Dark Sweet Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard for canned cherries since it contained an excessive number of

*See also No. 18948.

pits, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 8, 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 Federal Security Agency.

18929. Misbranding of canned peaches. U. S. v. 248 Cases * * *. (F. D. C. No. 32956. Sample No. 27241-L.)

LIBEL FILED: March 13, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 6, 1952, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 248 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Elberta * * * Cal-Top Brand Yellow Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes In heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned peaches, and its label failed to bear a statement that the product was below the standard; and, Section 403 (f), the information required by law to appear on the label, namely, the name of the optional packing medium present in the food, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use in that the name of the optional packing medium present "heavy syrup" did not appear conspicuously on the label since it was in dark type on a dark background.

DISPOSITION: October 14, 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.

DRIED FRUIT

18930. Adulteration of pitted dates. U. S. v. 250 Boxes * * *. (F. D. C. No. 32968. Sample No. 33854-L.)

LIBEL FILED: March 26, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 1951, from New York, N. Y.

PRODUCT: 250 70-pound boxes of pitted dates at Chicago, Ill., in possession of the Seng Terminal Warehouse Co.

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 rodent hairs and rodent-gnawed dates; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 29, 1952. The Seng Terminal Warehouse Co. 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 segregation