

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Fancy Solid Pack Imported \* \* \* Product of Peru Distributed By Industrial Pesquera, S. A., Callo, Peru" were false and misleading since the product was not fancy quality; some of the cans contained flaked tuna; the article was not imported; it was not a product of Peru; and it was not distributed by Industrial Pesquera, S. A., Callo, Peru.

Further misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. (The cans contained less than 7 ounces of tuna.)

**DISPOSITION:** May 15, 1952. The Wilbur-Ellis Co., San Francisco, Calif., 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.

**19019. Adulteration and misbranding of oysters. U. S. v. Irvington Fish & Oyster Co., Inc., and Andrew T. Sisson and James B. Sisson. Pleas of guilty. Corporation fined \$360; each individual defendant fined \$2.50. (F. D. C. No. 32786. Sample Nos. 2992-L, 2993-L, 2996-L, 2997-L, 3819-L, 4214-L, 4380-L, 4382-L, 4383-L.)**

**INFORMATION FILED:** July 22, 1952, Eastern District of Virginia, against Irvington Fish & Oyster Co., Inc., Irvington, Va., and Andrew T. Sisson, plant manager, and James B. Sisson, plant superintendent.

**ALLEGED SHIPMENT:** Between the approximate dates of November 5 and December 17, 1951, from the State of Virginia into the States of Tennessee, Indiana, North Carolina, and Illinois.

**LABEL, IN PART:** "King Carter Brand Oysters," "Irvington Brand Salt Water Oysters" or "Capitol Brand Oysters \* \* \* Capitol Distributing Co. Inc. Indianapolis, Ind."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since they were in contact with water in excess of the time permitted by the standard; they were not thoroughly drained, as required by the standard; and they were packed with added water in violation of the standard.

**DISPOSITION:** October 6, 1952. Pleas of guilty having been entered, the corporation was fined \$360 and each individual defendant was fined \$2.50.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19020. Adulteration of canned boysenberries. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 33070. Sample No. 48795-L.)**

**LIBEL FILED:** May 1, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 7, 1950, from Salem, Oreg.

**PRODUCT:** 7 cases, each containing 24 1-pound cans, of boysenberries at Little Falls, Minn.

**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:** June 13, 1952. A default decree was entered ordering the product denatured for use as animal feed or destroyed. It was destroyed.

### DRIED FRUIT

**19021. Adulteration of dried mixed fruit. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 33020. Sample No. 41872-L.)**

**LABEL FILED:** April 8, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 29, 1952, by the Richmond-Chase Co., from San Jose, Calif.

**PRODUCT:** 74 cases, each containing 24 12-ounce packages, of dried mixed fruit at Springfield, Mass.

**LABEL, IN PART:** "Golden Bloom California Dried Fruits Fancy Mixed Fruits \* \* \* Packed By Rosenberg Bros. & Co., Inc., San Francisco, Calif."

**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 and rodent hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 30, 1952. Rosenberg Bros. & Co., Inc., San Francisco, Calif., 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 reprocessed to eliminate all filth under the supervision of the Federal Security Agency. 645 pounds of the product were salvaged and 455 pounds were denatured for use as animal feed.

**19022. Adulteration of dried mixed fruit. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 33112. Sample No. 27281-L.)**

**LABEL FILED:** May 1, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about April 9, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

**PRODUCT:** 44 cases, each containing 24 1-pound packages, of dried mixed fruit at Honolulu, T. H.

**LABEL, IN PART:** "Sugaripe Mixed Fruit California Dried Fruit."

**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, insect excreta, and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 10, 1952. The sole intervener having consented to the entry of a decree, judgment of condemnation and destruction was entered.