

**ALLEGED SHIPMENT:** On or about June 3, 1952, from Miami, Fla. This was a return shipment.

**PRODUCT:** 6 cartons of frozen lobsters at Philadelphia, Pa.

**LABEL, IN PART:** (Carton) "Random Wt Culls Frosted Lobster Packed By Sebasco Fishermans Assn Sebasco, Maine 30 Lbs Wt."

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

**DISPOSITION:** August 20, 1952. Default decree of condemnation and destruction.

**19077. Adulteration of frozen shrimp. U. S. v. 566 Pounds \* \* \*. (F. D. C. No. 33322. Sample No. 23246-L.)**

**LIBEL FILED:** July 3, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 30, 1952, by Joseph Thompson, from Key West, Fla.

**PRODUCT:** 566 pounds of frozen shrimp at New York, N. Y.

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

**DISPOSITION:** September 11, 1952. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19078. Misbranding of canned pears. U. S. v. 73 Cases \* \* \*. (F. D. C. No. 33207. Sample No. 102-L.)**

**LIBEL FILED:** April 30, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about January 18, 1952, by Harold C. Brooks, Inc., from Los Angeles, Calif.

**PRODUCT:** 73 cases, each containing 24 1-pound, 13-ounce cans, of pears at Honolulu, T. H.

**LABEL, IN PART:** "Bartlett Pears \* \* \* Vita-Pak Brand Packed by K and R Fruit Products Inc., Upland, California."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned pears since it did not contain the maximum quantity of the pear ingredient which can be sealed in the container and processed by heat without crushing or breaking the pear ingredient, and its label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** June 10 and July 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

### FROZEN FRUIT

**19079. Adulteration of frozen red raspberries and frozen strawberries. U. S. v. Herman C. Bloom (M. Bloom & Co. Frosted Foods). Plea of guilty. Fine, \$500. Defendant placed on probation for 5 years. (F. D. C. No. 31564. Sample Nos. 25505-L, 25509-L, 26360-L, 26361-L.)**

**INFORMATION FILED:** January 9, 1952, District of New Jersey, against Herman C. Bloom, a partner in the M. Bloom & Co. Frosted Foods, a partnership, Camden, N. J.

**ALLEGED SHIPMENT:** On or about August 7 and 30 and September 6, 1951, from the State of New Jersey into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of a decomposed substance by reason of the presence of moldy and rotten berries.

**DISPOSITION:** April 18, 1952. The defendant having entered a plea of guilty, the court fined him \$500 and placed him on probation for a period of 5 years.

**19080. Adulteration of frozen strawberries. U. S. v. 1,400 Cans \* \* \*. (F. D. C. No. 31921. Sample Nos. 10834-L, 12229-L.)**

**LIBEL FILED:** October 23, 1951, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about June 13 and 15, 1951, by Stokely Foods, Inc., from Middleport, N. Y.

**PRODUCT:** 1,400 28-pound cans of frozen strawberries at Indianapolis, Ind.

**LABEL, IN PART:** "Fresh Frozen Whole Strawberries 28 Lbs. Net Wt. Packed By Geo. W. Haxton & Son Inc. Oakfield, N. Y."

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

**DISPOSITION:** April 18, 1952. George W. Haxton & Son, Inc., 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 for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,472 cans of strawberries which were seized, 1,117 cans were released to the claimant and 355 cans were destroyed.

#### VEGETABLES

**19081. Adulteration of canned brown beans. U. S. v. Ellis Canning Co., and Max A. Zelinger. Plea of guilty by Ellis Canning Co.; fine, \$400. Plea of nolo contendere by Max A. Zelinger; fine, \$200. (F. D. C. No. 32716. Sample Nos. 13578-L, 13579-L, 13868-L, 15150-L.)**

**INFORMATION FILED:** July 30, 1952, District of Colorado, against the Ellis Canning Co., a corporation, Denver, Colo., and Max A. Zelinger, vice president of the corporation.

**ALLEGED SHIPMENT:** On or about October 16, 23, 24, and 25, 1951, from the State of Colorado into the States of Nebraska, Missouri, and Kansas.

**LABEL, IN PART:** "Ellis Western Style Brown Beans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, namely, stones, which may have rendered it injurious to health.

**DISPOSITION:** September 10, 1952. A plea of guilty having been entered by the corporation and a plea of nolo contendere having been entered by Max A. Zelinger, the court imposed a fine of \$400 against the former and \$200 against the latter.