

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 fish. Misbranding, Section 403 (a), the label statements "Fancy * * * Product of Peru" were false and misleading since the product was not of fancy grade and was not a product of Peru; and, 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 7 ounces.

The product was adulterated when introduced into and while in interstate commerce and was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 26, 1952. Default decree of condemnation and destruction.

19634. Misbranding of canned tuna. U. S. v. 110 Cases * * *. (F. D. C. No. 34216. Sample No. 41899-L.)

LIBEL FILED: November 12, 1952, District of Utah.

ALLEGED SHIPMENT: On or about October 17, 1952, by the Howard Terminal, from Oakland, Calif.

PRODUCT: 110 cases, each containing 48 6½-ounce cans, of tuna at Salt Lake City, Utah.

LABEL, IN PART: "Standby Royal Hawaiian Brand Chunk Style Tuna in Soya Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chunk Style Tuna in Soya Oil" was false and misleading since the product was packed in cottonseed oil.

DISPOSITION: December 12, 1952. The Pacific Gamble Robinson Co., trading as the Pacific Fruit and Produce Co., 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.

19635. Action to enjoin and restrain the interstate shipment of adulterated crabmeat. U. S. v. Pascagoula Crab Co. and John P. Lowe. Consent decree granting injunction. (Inj. No. 254.)

COMPLAINT FILED: September 24, 1952, Southern District of Mississippi, against the Pascagoula Crab Co., a partnership, Pascagoula, Miss., and John P. Lowe, a partner in the partnership.

NATURE OF CHARGE: That the defendants had been and were at the time of filing the complaint introducing and delivering for introduction into interstate commerce quantities of crabmeat which was adulterated in the following respects: Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. coli*; and, Section 402 (a) (4), the article had been and was still being prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendants' plant resulted from, and consisted of, the presence of flies and poor toilet facilities in the plant and general carelessness on the part of the defendants in correcting the insanitary practices of the employees in the plant; that the defendants had been warned at the time of various factory inspections about the insanitary conditions; and that the defendants still continued to introduce adulterated crabmeat into interstate commerce.