

19639. Adulteration and misbranding of oysters. U. S. v. 109 Cans, etc. (F. D. C. No. 33927. Sample Nos. 4735-L, 4736-L.)

LABEL FILED: October 18, 1952, Western District of South Carolina.

ALLEGED SHIPMENT: On or about October 7, 1952, by E. I. Webb & Co., from Weems, Va.

PRODUCT: 193 pint cans of oysters at Rock Hill, S. C.

LABEL, IN PART: "Oysters Standards [or "Selects"] Moonlight Bay Fresh Raw Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects since they were not thoroughly drained.

DISPOSITION: November 21, 1952. Default decree of condemnation and destruction.

19640. Adulteration of frozen breaded fantail shrimp. U. S. v. 25 Cases * * *. (F. D. C. No. 33904. Sample No. 4728-L.)

LABEL FILED: October 2, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about September 16, 1952, by Brunswick Quick Freezer, from Brunswick, Ga.

PRODUCT: 25 cases, each containing 12 3-pound packages, of frozen breaded fantail shrimp at Washington, D. C.

LABEL, IN PART: (Package) "Georgia Golden Shore Individually Frozen Breaded Fantail Shrimp."

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: November 12, 1952. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park.

19641. Misbranding of frozen shrimp. U. S. v. 39 Cartons * * *. (F. D. C. No. 34110. Sample No. 10601-L.)

LABEL FILED: November 10, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 16, 1952, by the Aerofoods Division of Sea Pak Corp., from St. Simons Island, Ga.

PRODUCT: 39 cartons, each containing 10 packages, of frozen shrimp at Chicago, Ill.

LABEL, IN PART: (Package) "Aero Foods * * * Glazed Weight 3 Pounds When Packed P. D. Q. Shrimp." (The label also bore an almost illegible rubber-stamped mark "2 lbs. 8 ozs.")

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 label statement "Weight 3 Pounds When Packed" was inaccurate and the rubber-stamped mark "2 lbs. 8 ozs." was almost illegible.

DISPOSITION: December 30, 1952. W. M. Walker, Inc., Chicago, Ill., 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.

FRUITS AND VEGETABLES

CANNED FRUIT

19642. Misbranding of canned peaches. U. S. v. 500 Cases * * *. (F. D. C. No. 34106. Sample No. 40909-L.)

LIBEL FILED: November 5, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 30, 1952, by the Yakima County Horticultural Union, from Yakima, Wash.

PRODUCT: 500 cases, each containing 24 1-pound, 13-ounce cans, of peaches at York, Pa.

LABEL, IN PART: (Can) "Penn Dale Brand Chunks Yellow Free Elberta Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations; and the label of the product failed to bear, as required by the standard, the name of the optional peach ingredient present and the name by which the optional packing medium used in the food is designated in the standard, since the label bore the statement "Chunks * * * In Extra Heavy Syrup," whereas the optional peach ingredient present was "Mixed Pieces of Irregular Sizes and Shapes" and the optional packing medium used was heavy sirup.

DISPOSITION: April 24, 1953. The Yorktown Wholesale Grocery Co., Lancaster, Pa., 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 Department of Health, Education, and Welfare.

FROZEN FRUIT

19643. Misbranding of frozen strawberries. U. S. v. 400 Cases * * *. Motion to quash denied and exceptions to interrogatories overruled in part and granted in part. Motion for summary judgment granted. Decree of condemnation. (F. D. C. No. 25735. Sample Nos. 6506-K, 6533-K.)

LIBEL FILED: October 20, 1948, Western District of New York; amended libel filed on November 22, 1949.

ALLEGED SHIPMENT: On or about September 8, 1948, by the Sunshine Packing Corp. of Pennsylvania, from North East, Pa.

PRODUCT: 400 cases, each containing 24 packages, of frozen strawberries at Rochester, N. Y. Examination showed that each package contained only 14 ounces of strawberries, whereas each package could hold 1 pound.

LABEL, IN PART: (Package) "Quick Frozen Sunshine Brand Sliced Strawberries * * * Net Weight 14 Oz. * * * This One Pound Package Serves 4."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "This One Pound Package Serves 4" was false and misleading as applied to a package containing less than 1 pound; and, Section 403 (d), the container of the article was so filled as to be misleading since only 14 ounces of sliced strawberries with sugar were packed in the container and the container was designed to