

DISPOSITION: October 3, 1952. Pleas of guilty having been entered, the court fined each defendant \$200.

19672. Alleged adulteration and misbranding of oysters. U. S. v. Gloucester Seafood Packing Co., Odell M. Blake, and Marion J. Owens. Pleas of not guilty. Tried to the jury. Verdict of not guilty. (F. D. C. No. 32782. Sample Nos. 67035-K, 67036-K, 3198-L, 3199-L.)

INFORMATION FILED: June 1952, Eastern District of Virginia, against the Gloucester Seafood Packing Co., a partnership, Bena, Va., and Odell M. Blake and Marion J. Owens, partners in the partnership.

ALLEGED SHIPMENT: On or about December 15, 1950, and October 23, 1951, from the State of Virginia into the States of Florida and North Carolina.

LABEL, IN PART: "Duke of Gloucester Brand * * * Oysters Standards [or "Selects"] and "King O'Sea Brand * * * Oysters Selects."

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 oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects in that in the preparation of the oysters, the total time that the oysters were in contact with water or salt water, after leaving the shucker, was more than 30 minutes; they were not thoroughly drained before packing into the container for shipment; and they were packed with added water.

DISPOSITION: February 4, 1953. The defendants having entered pleas of not guilty, the case came on for trial before the court and jury. At the conclusion of the testimony, the court issued its instructions to the jury, including an instruction that the jury was to disregard any testimony obtained in the factory that had been introduced in the evidence. A verdict of not guilty was returned by the jury, and the case was dismissed.

19673. Adulteration of oysters. U. S. v. 464 Cans * * *. (F. D. C. No. 34016. Sample No. 39244-L.)

LABEL FILED: October 13, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 8, 1952, by the Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 464 1-pint cans of oysters in 3 barrels at Bellefontaine, Ohio.

LABEL, IN PART: "Oysters Standards * * * Pride of Chesapeake Bay."

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 article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 26, 1953. Default decree of destruction.

19674. Adulteration of oysters. U. S. v. 1 Barrel * * *. (F. D. C. No. 34560. Sample No. 57725-L.)

LABEL FILED: January 23, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 19, 1953, by Travers Bros. Co., from Baltimore, Md.

PRODUCT: 1 barrel containing 109 1-pint cans of oysters at Marietta, Ohio.

LABEL, IN PART: "Travers Bros. Co. Blue Cross Brand Fresh Oysters * * * Oysters Standards."

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 article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 26, 1953. The shipper having advised that it did not intend to reclaim the product, the court entered judgment ordering that the product be delivered to a Federal institution for use as food by the inmates.

19675. Adulteration and misbranding of shrimp cocktail. U. S. v. 93 Cases * * *.
(F. D. C. No. 33699. Sample No. 13546-L.)

LIBEL FILED: September 15, 1952, District of Utah.

ALLEGED SHIPMENT: On or about March 31, 1952, by the Seaside Fisheries Co., from Long Beach, Calif.

PRODUCT: 93 cases, each containing 24 3½-ounce jars, of shrimp cocktail at Salt Lake City, Utah.

Examination showed that the product consisted of dried shrimp in an excessive amount of tomato sauce.

LABEL, IN PART: (Jar) "La Playa Brand Shrimp Cocktail Catsup, Vinegar and Spices Added."

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 tomato sauce; and, Section 402 (b) (2), a product consisting of dried shrimp in an excessive amount of tomato sauce had been substituted for shrimp cocktail.

Misbranding, Section 403 (a), the designation "Shrimp Cocktail" was false and misleading as applied to a product consisting of dried shrimp in an excessive amount of tomato sauce.

DISPOSITION: January 23, 1953. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

FROZEN FRUIT

19676. Adulteration of frozen cherries. U. S. v. Smeltzer Orchard Co., Inc., and Percy R. Smeltzer. Pleas of nolo contendere. Corporation fined \$750; imposition of sentence against individual suspended and individual placed on probation for 2 years. (F. D. C. No. 33818. Sample No. 49732-L.)

INFORMATION FILED: January 12, 1953, against Smeltzer Orchard Co., Inc., Elberta, Mich., and Percy R. Smeltzer, president.

ALLEGED SHIPMENT: On or about March 11, 1952, from the State of Michigan into the State of New Jersey.

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

DISPOSITION: January 22, 1953. Pleas of nolo contendere having been entered, the court fined the corporation \$750, suspended the imposition of sentence against the individual defendant, and placed him on probation for 2 years.