

DISPOSITION: October 27, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

19873. Adulteration of oysters. U. S. v. 59 Cans \* \* \*. (F. D. C. No. 33915. Sample No. 38769-L.)

LABEL FILED: October 3, 1952, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 29, 1952, by E. I. Webb & Co., from Weems, Va.

PRODUCT: 59 1-pint cans of oysters at High Point, N. C.

LABEL, IN PART: "Oysters Standards Moonlight Bay Brand."

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

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

## FRUITS AND VEGETABLES

### CANNED FRUIT

19874. Misbranding of canned cherries. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 33906. Sample No. 40840-L.)

LABEL FILED: October 1, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about September 1, 1952, by Seufert Bros. Co., from The Dalles, Oreg.

PRODUCT: 98 cases, each containing 6 6-pound, 11-ounce cans, of cherries at New York, N. Y.

LABEL, IN PART: (Can) "Regal Silver Banner Light Sweet Pitted Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pitted cherries since it contained an excessive number of pits and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: December 12, 1952. The shipper, 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.

19875. Misbranding of canned cherries. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 33897. Sample No. 14552-L.)

LABEL FILED: October 7, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about July 22, 1952, by Intermountain Food Co., Inc., from Murray, Utah.

PRODUCT: 74 cases, each containing 6 6-pound, 10-ounce cans, of cherries at Denver, Colo.

**LABEL, IN PART:** (Can) "Rocky Mountain High Altitude Mellhorn Quality Unpitted Royal Anne Light Sweet Cherries in Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained cherries weighing less than 1/10 of an ounce and the weight of the largest cherries in the container was more than twice the weight of the smallest cherries, and the label failed to bear a statement that the product fell below the standard; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned cherries since it did not contain the maximum quantity of the cherry ingredient which could be sealed in the container and processed by heat to prevent spoilage, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** December 3, 1952. The shipper, 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.

19876. Misbranding of canned peaches. U. S. v. 699 Cases, etc. (F. D. C. Nos. 33908, 33909. Sample Nos. 2698-L, 2700-L.)

**LIBELS FILED:** October 13, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 6 and 15, 1952, by the Jones Bros. Canning Co., from Greer, S. C.

**PRODUCT:** 1,197 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Miami, Fla.

**LABEL, IN PART:** (Can) "Cedar Rock Brand \* \* \* Yellow Freestone Peaches In Light Syrup Mixed Pieces of Irregular Sizes and Shapes."

**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 failed to bear, as required by the definition and standard, the name of the optional peach ingredient present since the label bore the statement "Mixed Pieces of Irregular Sizes and Shapes," whereas the product was peach halves; and, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the peaches did not meet the test for tenderness prescribed by the standard and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** December 2, 1952. The Apte Brokerage Co., Miami, Fla., having appeared as claimant, judgments of condemnation were entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

19877. Misbranding of canned peaches. U. S. v. 748 Cases \* \* \*. (F. D. C. No. 33873. Sample No. 7944-L.)

**LIBEL FILED:** September 18, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 18, 1952, by Moyer Bros., from Luray, Va.

**PRODUCT:** 748 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Pittsburgh, Pa.