

**DISPOSITION:** January 29, 1953. Default decree of condemnation and destruction.

**20070. Misbranding of oysters. U. S. v. 628 Cans \* \* \*. (F. D. C. No. 34500. Sample Nos. 57470-L, 57471-L.)**

**LIBEL FILED:** December 17, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 15, 1952, by W. F. Morgan & Son, from Weems, Va.

**PRODUCT:** 628 cans of oysters at Portsmouth, Ohio.

**LABEL, IN PART:** "Net Contents One Pint W. F. Morgan & Son Quality Oysters."

**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. (Examination showed that the product was short weight.)

**DISPOSITION:** December 19, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for consumption by the inmates.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**20071. Misbranding of canned peaches. U. S. v. 1,198 Cases \* \* \*. (F. D. C. No. 34409. Sample No. 56237-L.)**

**LIBEL FILED:** December 8, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 7 and 24, 1952, by the Honee Bear Syrup & Preserving Co., from Lawton, Mich.

**PRODUCT:** 1,198 cases, each containing 24 cans, of peaches at Cincinnati, Ohio.

**LABEL, IN PART:** (Can) "Michigan Made Halves Freestone Peaches In Light Syrup Contents 1 Lb. 12 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned peaches since the weight of some of the peach halves in the container of the article was less than  $\frac{3}{8}$  ounce; the weight of the largest peach half in the container was more than twice the weight of the smallest unit; and there was present in the article more than 1 square inch of peel for each 1 pound of net contents; and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** January 14, 1953. The shipper, claimant, having admitted the allegations of the libel, 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.

### DRIED FRUIT

**20072. Adulteration of prunes. U. S. v. 650 Cases \* \* \*. (F. D. C. No. 34452. Sample No. 37884-L.)**

**LIBEL FILED:** December 22, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 6, 1952, by the Harter Packing Co., from Yuba City, Calif.

**PRODUCT:** 650 30-pound cases of prunes at New York, N. Y.