

Co.). Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 30095. Sample Nos. 40503-K, 66870-K, 67554-K.)

INDICTMENT RETURNED: March 27, 1951, District of Maryland, against J. Loren Sterling, Ira R. Howard, and Morris L. Milbourne, copartners, trading as the Milbourne Oyster Co., Crisfield, Md.

ALLEGED SHIPMENT: On or about November 20 and December 13 and 16, 1950, from the State of Maryland into the States of New York, Illinois, and Pennsylvania.

LABEL, IN PART: "Contents One Pint Milbourne's Delicious Salt Water Raw Oysters Distributed By Milbourne Oyster Co. Crisfield, Md. Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to a portion of the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality.

Misbranding, Section 403 (g) (1), a portion of the article failed to conform to the definition and standard of identity for oysters standards since the oysters in such portion were not thoroughly drained and were packed with an added substance, namely, water. Further misbranding, Section 403 (e) (2), the remainder of the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans containing the article contained less than "One Pint," as declared on the label.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court on February 6, 1952. The trial was concluded on February 7, 1952, at which time the court returned a verdict of not guilty.

20124. Adulteration of crabmeat. U. S. v. 73 Cans * * *. (F. D. C. No. 33596. Sample No. 21385-L.)

LABEL FILED: August 15, 1952, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 12, 1952, by the Pascagoula Crab Co., from Pascagoula, Miss.

PRODUCT: 73 1-pound cans of crabmeat at Houston, Tex. Examination showed that the product was contaminated with *E. coli* of fecal origin.

LABEL, IN PART: "Pascagoula Crab Co. All Lump Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article was packed in an insanitary factory.

DISPOSITION: October 15, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

20125. Misbranding of canned cherries. U. S. v. 24 Cases * * *. (F. D. C. No. 32477. Sample No. 40511-L.)

LABEL FILED: February 4, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 26, 1951, by the Western Oregon Packing Corp., from Corvallis, Oreg.

PRODUCT: 24 cases, each containing 24 cans, of cherries at Bronx, N. Y.

LABEL, IN PART: (Can) "Rose Festival Brand Net Weight 1 Lb. 13 Oz. Light Sweet Royal Anne Cherries In Light Syrup Below U. S. Standard Good Food—Not High Grade."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the definition and standard of identity for canned cherries, the name of the optional packing medium in the article since the label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "extra heavy sirup" in such definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries, and the label failed to bear, in the manner and form specified by the standard, a statement that the article fell below such standard.

DISPOSITION: April 22, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions, for consumption and not for sale.

DRIED FRUIT

20126. Adulteration of dried apricots. U. S. v. 155 Cases * * *. (F. D. C. No. 32674. Sample No. 16583-L.)

LIBEL FILED: On or about February 19, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 14, 1952, by Rosenberg Bros. & Co., Inc., from Fresno, Calif.

PRODUCT: 155 cases, each containing 24 bags, of dried apricots at Kansas City, Mo.

LABEL, IN PART: (Bag) "Iris Brand Choice Apricots 1 Lb Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, and insect fragments.

DISPOSITION: May 7, 1952. Rosenberg Bros. & Co., Inc., having appeared as claimant, judgment was entered ordering that the product be released under bond to be brought into compliance with the law. The product was reconditioned by washing and hand-sorting. As a result of such operations, 11 pounds of the product were found unfit and were destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

20127. Adulteration of fava beans. U. S. v. 100 Bags * * *. (F. D. C. No. 31773. Sample No. 24066-L.)

LIBEL FILED: October 15, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1951, from Bari, Italy.

PRODUCT: 100 bags of fava beans at Brooklyn, N. Y.

LABEL, IN PART: (Bag) "Fava Beans Product of Italy Gross Kg 50."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: January 16, 1952. Default decree of condemnation and destruction.

20128. Misbranding of canned peas. U. S. v. 216 Cases * * *. (F. D. C. No. 34473. Sample No. 1490-L.)

LIBEL FILED: On or about January 7, 1953, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 1952, by the Winorr Canning Co., from Circleville, Ohio.