

20215. Misbranding of whitefish caviar. U. S. v. Smith Bros. of Port Washington, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 32805. Sample Nos. 8969-L, 10273-L, 10274-L.)

INFORMATION FILED: August 4, 1952, Eastern District of Wisconsin, against Smith Bros. of Port Washington, Inc., Port Washington, Wis.

ALLEGED SHIPMENT: On or about February 7, 1952, from the State of Wisconsin into the States of Illinois and Michigan.

LABEL, IN PART: "Land O'Lakes Brand Whitefish Caviar With Added Pure Carbon Packed by Smith Bros. Port Washington Wis. Net Weight 8 Oz. [or "1 Lb.]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

DISPOSITION: June 22, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$200.

20216. Adulteration of oysters. U. S. v. 144 Cans, etc. (F. D. C. No. 34593. Sample Nos. 57483-L, 57484-L.)

LIBEL FILED: January 7, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 30, 1952, by Milton L. Drewer, from Saxis, Va.

PRODUCT: 144 1-pint cans of oysters standards and 64 1-pint cans of oysters selects at Jacksonville, Fla.

LABEL, IN PART: (Cans) "Milton Drewer's Delicious Salt Water Oysters * * * Oysters Standards [or "Selects"]."

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.

DISPOSITION: January 12, 1953. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for consumption by the inmates.

20217. Adulteration and misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 34557. Sample No. 26246-L.)

LIBEL FILED: January 16, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 13, 1953, by S. S. East, Inc., from Mauricetown, N. J.

PRODUCT: 144 1-pint cans of oysters at St. Louis, Mo.

LABEL, IN PART: "Oysters Counts * * * Sailor Boy Brand 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) (2), the article purported to be and was represented as oysters counts, a food for which a definition and standard of identity has been prescribed, and the article failed to conform to the definition and standard. The definition and standard provides that raw oysters are packed without any added substance, and that oysters counts are of such size that 1 gallon contains not more than 160 oysters and 1 quart of the smallest oysters

selected therefrom contains not more than 44 oysters. The article was packed with added water, and the oysters comprising the article were of such size that 1 gallon contained more than 160 oysters and 1 quart of the smallest oysters selected therefrom contained more than 44 oysters.

DISPOSITION: February 11, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization for its use and not for sale.

FRUITS AND VEGETABLES

CANNED FRUIT

20218. Adulteration of canned pie peaches. U. S. v. 115 Cases * * *. (F. D. C. No. 34943. Sample No. 2559-L.)

LIBEL FILED: April 16, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 12, 1952, from San Francisco, Calif.
PRODUCT: 115 cases, each containing 6 6-pound, 7-ounce cans, of pie peaches at Jacksonville, Fla. Examination showed that the product had undergone chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 14, 1953. Default decree of condemnation and destruction.

20219. Adulteration of canned pie peaches. U. S. v. 37 Cases * * *. (F. D. C. No. 34942. Sample No. 2559-L.)

LIBEL FILED: April 16, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 12, 1952, from San Francisco, Calif.
PRODUCT: 37 cases, each containing 6 6-pound, 7-ounce cans, of pie peaches at Jacksonville, Fla. Examination showed that the product had undergone chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 14, 1953. Default decree of condemnation and destruction.

20220. Adulteration of canned strawberries. U. S. v. 98 Cases * * *. (F. D. C. No. 34573. Sample Nos. 14309-L, 69280-L.)

LIBEL FILED: January 30, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about August 29, 1952, by the Washington Cannery, from Vancouver, Wash.

PRODUCT: 98 cases, each containing 6 6-pound, 6-ounce cans, of strawberries at Denver, Colo.

LABEL, IN PART: (Can) "K-M-C Brand."

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 strawberries.

DISPOSITION: March 25, 1953. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be delivered to a Federal institution, for use as hog feed.