

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), pomfret had been substituted in whole or in part for pompano, which the article was represented to be.

DISPOSITION: March 5, 1954. Food Fair Stores, Inc., Philadelphia, Pa., 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 for relabeling under the supervision of the Department of Health, Education, and Welfare.

21127. Adulteration of crabmeat. U. S. v. 22 Cans * * *. (F. D. C. No. 35546. Sample No. 50307-L.)

LIBEL FILED: On or about July 24, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.

PRODUCT: 22 1-pound cans of crabmeat at Brooklyn, N. Y. Examination showed that the product was contaminated with *E. coli*.

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 had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

DISPOSITION: January 21, 1954. Default decree of condemnation and destruction.

21128. Adulteration of canned shrimp. U. S. v. 452 Cases, etc. (F. D. C. No. 36019. Sample Nos. 45110-L, 45731-L.)

LIBEL FILED: October 14, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 20, 1953, by the Barre Seafood Co., from Houma, La.

PRODUCT: 700 cases, each containing 24 cans, of shrimp at South Boston, Mass.

LABEL, IN PART: (Can) "Sea Fare Brand Medium Shrimp * * * Wet Pack Drained Weight 5 Ozs." and "Beverly Hills Brand Medium Size Wet Pack Shrimp Drained Weight 5 Oz."

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

DISPOSITION: April 12, 1954. Default decree of condemnation and destruction.

21129. Adulteration of frozen breaded shrimp. U. S. v. 154 Packages * * *. (F. D. C. No. 36004. Sample No. 54810-L.)

LIBEL FILED: December 2, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 8, 1952, from Jacksonville, Fla.

PRODUCT: 154 2½-pound packages of frozen breaded shrimp at Detroit, Mich.

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

shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 20, 1954. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

21130. Misbranding of canned apricots. U. S. v. 6 Cases * * *. (F. D. C. No. 36234. Sample No. 53291-L.)

LABEL FILED: January 12, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 5, 1953, from San Jose, Calif.

PRODUCT: 6 cases, each containing 6 cans, of apricots at St. Louis, Mo.

RESULTS OF INVESTIGATION: The product was labeled in the manner described below by the Bohn-Lenartz Co., St. Louis, Mo., after shipment in interstate commerce.

LABEL, IN PART: (Can) "Blue Star Brand Choice Apricots Unpeeled Halves In Syrup Contents 6 Lbs. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as the definition and standard of identity for canned apricots requires, the name of the optional packing medium present in the article since the label bore the statement "In Syrup," whereas the article was packed in a medium designated as "slightly sweetened water" in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned apricots since the article contained apricot halves weighing less than $\frac{2}{5}$ of an ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below such standard. The article was misbranded in such respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 22, 1954. The Bohn-Lenartz Co., 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 for relabeling under the supervision of the Department of Health, Education, and Welfare.

21131. Misbranding of canned cherries. U. S. v. Varney Canning, Inc. Plea of guilty. Fine of \$2,000; fine suspended. (F. D. C. No. 35767. Sample Nos. 41015-L, 41028-L, 41056-L, 64353-L, 69413-L.)

INFORMATION FILED: January 11, 1954, District of Utah, against Varney Canning, Inc., Roy, Utah.

ALLEGED SHIPMENT: On or about August 21 and December 3, 1952, and March 10 and April 30, 1953, from the State of Utah into the States of Washington, Montana, and Wyoming.

LABEL, IN PART: (Can) "Sonny Boy Brand Red Sour Pitted Cherries In Water Contents 1 Lb. 3 Ozs. Packed for Roundup Grocery Co. Spokane, Wash." and "Leota Brand Red Sour Pitted Cherries Packed In Water Contents 1 Lb. 3 Oz. Packed By Varney Canning Inc. Plants Roy, Utah and Veradale, Wash."