

DISPOSITION: December 30, 1953. Default decree of condemnation and destruction.

21425. Misbranding of oysters. U. S. v. 767 Cans, etc. (F. D. C. No. 35986. Sample Nos. 79540-L, 79542-L.)

LIBEL FILED: November 19, 1953, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 14, 1953, by W. F. Morgan & Son, from Weems, Va.

PRODUCT: 767 cans and 5,252 cans of oysters at Indianapolis, Ind.

LABEL, IN PART: (767-can lot) "Oysters Standards Net Contents 12 Fl. Oz."; (5,252-can lot) "Booths Famous Foods Fresh Atlantic Coast Oysters One Pint Contents * * * Oysters Standards."

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 in both size cans was short volume.)

DISPOSITION: November 19, 1953. W. F. Morgan & Son, claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

21426. Adulteration of oysters. U. S. v. 2 Barrels * * *. (F. D. C. No. 35987. Sample No. 72383-L.)

LIBEL FILED: On or about November 23, 1953, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 14, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 2 barrels, containing a total of 244 cans, of oysters at Charleston, W. Va.

LABEL, IN PART: (Can) "Selects Oysters * * * Pride of Chesapeake Bay Oysters One Pint Net."

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: November 25, 1953. The sole intervener having consented to the delivery of the product to a charitable institution, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

21427. Adulteration and misbranding of oysters. U. S. v. 118 Cans * * *. (F. D. C. No. 35993. Sample No. 73784-L.)

LIBEL FILED: November 27, 1953, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 21, 1953, by W. Preston Whorton, from Baltimore, Md.

PRODUCT: 118 cans of oysters at Kingston, Pa.

LABEL, IN PART: "Delicious Oysters One Pint Net Fresh Raw Oysters * * * Oysters Standards."

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