

DISPOSITION: T. W. Holt & Co. appeared as claimant and filed an answer denying that the article was adulterated. On 7-28-55, the case came on for trial before the court without a jury and at its conclusion, the court returned a verdict for the Government. On 8-3-55, the court entered a decree of condemnation and ordered that the product be destroyed.

24976. Frozen whiting. (F.D.C. No. 41673. S. No. 27-812 P.)

QUANTITY: 39 cases, 5 10-lb. boxes each, at Dallas, Tex.

SHIPPED: 10-29-57, from Chicago, Ill., by Booth Fisheries Corp.

LABEL IN PART: (Box) "BB & W Quick Frozen HD Whiting—Packed by Baker, Boies & Watson, * * * Boston."

LIBELED: 5-5-58, N. Dist. Tex.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-9-58. Default—consumption by animals.

24977. Canned tuna. (F.D.C. No. 41541. S. No. 6-836 P.)

QUANTITY: 16 cases, 100 3½-oz. cans each, at Adams, Mass.

SHIPPED: Prior to 1954, from Terminal Island, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-1-58, Dist. Mass.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 6-9-58. Default—destruction.

24978. Frozen haddock fillets (2 seizure actions). (F.D.C. Nos. 41561, 41572. S. Nos. 6-751/4 P.)

QUANTITY: 39 cases, 5 10-lb. ctns. each, 33 cases, 10 5-lb. ctns. each, and 184 5-lb. ctns., at Boston, Mass.

SHIPPED: The fillets were from fish caught in the Atlantic Ocean by the fishing vessels "Red Jacket" and "Flying Cloud" and unloaded at Boston, Mass., on 4-29-58.

LABEL IN PART: (Ctn.) "Taste O'Sea * * * Haddock Fillets Dist. by O'Donnell-Usen Fisheries Corp., Fish Pier, Boston, Mass."; (wrapper) "Taste O'Sea Quick Frozen Haddock * * * To Be Weighed When Sold" or "Taste O'Sea Quick Frozen Haddock * * * O'Donnell-Usen Fisheries Corp. Fish Pier Boston To Be Weighed When Sold."

LIBELED: 5-14-58 and 5-23-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-10-58. Consent—claimed by Columbia Seafood, Inc., Boston, Mass. Segregated; 235 lbs. destroyed.

24979. Frozen haddock fillets. (F.D.C. No. 41552. S. No. 6-745 P.)

QUANTITY: 9 cases, 10 5-lb. ctns. each, at Boston, Mass.

SHIPPED: The fillets were from fish caught by the fishing vessels "Comet" and "Phantom" in the Atlantic Ocean outside the limits of Massachusetts, on or about 4-22-58.

LABEL IN PART: (Ctn.) "North Atlantic Quick Frozen Fillets"; (case) "North Atlantic Skless Haddock Fillets."

LIBELED: 5-8-58, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-16-58. Default—destruction.

24980. Frozen whiting. (F.D.C. No. 41540. S. No. 2-622 P.)

QUANTITY: 69 cases, 5 10-lb. pkgs. each, at Charlotte, N.C.

SHIPPED: 2-27-58, from Greenville, S.C. This was a return shipment.

LIBELED: 5-2-58, W. Dist. N.C.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 6-23-58. Default—destruction.

24981. Frozen rosefish fillets. (F.D.C. No. 41549. S. No. 6-747 P.)

QUANTITY: 97 10-lb. ctns. at Boston, Mass.

SHIPPED: The fillets were prepared and packed from fish caught by the fishing vessel "Ethelena" in the Atlantic Ocean outside the limits of Massachusetts and landed at Boston, Mass., on 4-24-58.

LABEL IN PART: (Ctn.) "19594 Rec'd 4-24-8"; (cellophane wrapper) "Georges Bank * * * Rosefish Fillets."

LIBELED: 5-7-58, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 6-23-58. Default—destruction.

24982. Oysters. (Inj. No. 305.)

COMPLAINT FOR INJUNCTION FILED: 10-12-56, Dist. Md., against the Oxford Packing Co., Inc., Oxford, Md.

CHARGE: The complaint alleged that the defendant was engaged in the business of processing, preparing, packing into hermetically sealed or friction-top cans, and selling and distributing raw oysters; and that the defendant had been introducing and delivering for introduction into interstate commerce, oysters which were adulterated within the meaning of 402(b)(2) in that water had been substituted in part for oysters, and 402(b)(4) in that water had been added, mixed, and packed with the oysters so as to increase their bulk and reduce their quality.

The complaint alleged also that the oysters purported to be and were represented as shucked oysters, a food for which definitions and standards of identity have been prescribed; that such definitions and standards provided that oysters should be shucked, washed, and drained prior to packing in such a manner that not over 5 percent of drained liquid would be found in the oysters within 15 minutes after packing; that extensive experimental packs of authentic oysters established that oysters packed in conformity with the standards would not exceed the 5 percent limit of drained liquid; that specific shipping experiments showed that legally packed oysters would not subsequently release liquid and that there would be no increase in the drained liquid contents of the cans of oysters with the passage of time after packing; that samples collected from interstate shipments made by the defendant, upon analysis, disclosed the presence of amounts of liquid greatly in excess of 5 percent; that such analytical findings established that the defendant's oysters were adulterated by the addition of water which could have been added by (1) excessive soaking of the oysters in fresh water to the extent that the oysters absorbed a large quantity of water, (2) the addition of water to the cans of oysters at the time of packing, (3) inadequate draining of the oysters after washing so that a sig-