

**DISPOSITION:** 9-8-58. Sea Pak Corporation, having appeared and denied that the article was prepared and packed under insanitary conditions, but having admitted all other allegations of the libel, and the court having found that the article was adulterated when it was introduced into interstate commerce, in that it consisted in part of a filthy substance, judgment of condemnation was entered and the article was ordered to be destroyed.

**25495. Frozen sole fillets.** (F.D.C. No. 42980. S. No. 10-501 P.)

**QUANTITY:** 14 ctns., 10 boxes each, at Buffalo, N.Y.

**SHIPPED:** 2-17-59, from Detroit, Mich., by F. W. Bryce, Inc.

**LABEL IN PART:** (Box) "Sea-Seald Quick Frozen Sole Fillets Maritime-National Fish Division of National Sea Products Limited Halifax Nova Scotia 5 lbs. When Packed."

**LIBELED:** 4-9-59, W. Dist. N.Y.

**CHARGE:** 402(a)(2)—when shipped, the article contained an added poisonous and deleterious substance, sodium nitrite, which is unsafe within the meaning of 406 since it is a substance not required in the production of this article and can be avoided by good manufacturing practice.

**DISPOSITION:** 5-4-59. Consent—claimed by Theodore Kotok, t/a N. Kotok Fish Co., Buffalo, N.Y., and returned to the original shipper in Canada.

**25496. Oysters.** (F.D.C. No. 42650. S. No. 33-122 P.)

**QUANTITY:** 13 bbls., 200 12-oz. cans each, at Daytona Beach, Fla.

**SHIPPED:** 12-12-58, from Saxis, Va., by H. V. Drewer & Sons.

**LABEL IN PART:** (Can) "Delicious B & L Oysters—Bivalve Oyster Packing Co., Bivalve, Md."

**LIBELED:** 12-17-58, S. Dist. Fla.

**CHARGE:** 402(b)(2)—when shipped, water had been substituted in part for oysters; 402(b)(4)—water had been added to oysters and had been mixed and packed with them so as to increase their bulk and reduce their quality; and 403(g)(1)—the oysters failed to conform to the definition and standard of identity for oysters since the total volume of the oysters, plus the liquid when emptied from the vessel into which shucked, was more than four times the volume of the water or salt water in the vessel into which shucked, and since the total time of contact of the oysters with water, or salt water of less than 0.75 percent salt, after leaving the shucker was more than 30 minutes.

**DISPOSITION:** 12-23-58. H. V. Drewer & Sons, claimant, consented to the entry of a decree and judgment of condemnation was entered. The product was ordered released under bond for reprocessing and was subsequently found to be spoiled and was destroyed.

**25497. Oysters.** (F.D.C. No. 42573. S. No. 35-250 P.)

**QUANTITY:** 144 cans at Yeadon, Pa.

**SHIPPED:** 12-9-58, from Baltimore, Md., by Bay Food Products.

**LABEL IN PART:** "Capt. John's Fresh Oysters ½ U.S. Liquid Pint The Great A & P Tea Co., New York, New York, Distributors."

**LIBELED:** 12-12-58, E. Dist. Pa.

**CHARGE:** 403(g) (1)—when shipped, the article purported to be and was represented as raw oyster counts, a food for which a definition and standard of identity has been prescribed by regulations, and the article failed to conform to such definition and standard which provides that raw oyster counts are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters. The oysters of the article were of such size that one gallon contained 256 oysters and a quart of the smallest oysters selected from one gallon contained 102 oysters.

**DISPOSITION:** 12-18-58. Default—destruction.

**25498. Oysters.** (F.D.C. No. 42647. S. No. 5-155 P.)

**QUANTITY:** 27 bbls., containing a total of 4,000 12-oz. cans, and 20 gal. of oysters (standards); and 1,000 12-oz. cans, and 10 gal. of oysters (selects), at Canton, Ohio.

**SHIPPED:** 12-11-58, from Cheriton, Va., by H. Allen Smith.

**LABEL IN PART:** (Can) "Pioneer Brand Oysters \* \* \* Packed for the Canton Provision Co. Canton, Ohio."

**LIBELED:** 12-15-58, N. Dist. Ohio.

**CHARGE:** 402(b) (2)—when shipped, water had been substituted in part for oysters; 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; and 403(g) (1)—the oyster standards and the oyster selects failed to conform to the definitions and standards of identity for such oysters since the total time of their contact with water or salt water after leaving the shucker was more than 30 minutes.

**DISPOSITION:** 1-30-59. Default—delivered to a public institution for its use and not for sale.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**25499. Dried apricots (2 seizure actions).** (F.D.C. Nos. 41490, 41502. S. Nos. 38-888 P, 38-890 P.)

**QUANTITY:** 420 cases, 24 bags each, at Philadelphia, Pa., and New York, N.Y.

**SHIPPED:** 2-5-58 and 2-6-58, from San Jose, Calif., by Valley View Packing Co., Inc.

**LABEL IN PART:** (Bag) "Valley View Fancy [or "Large"] Santa Clara Apricots Net weight 12 [or "11"] Ounces."

**LIBELED:** 3-28-58 and 4-18-58, E. Dist. Pa., and S. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained rodent pellets, insects, insect parts, and pieces of dirt when shipped.

**DISPOSITION:** 5-14-58 and 5-15-58. Consent—claimed by Valley View Packing Co., Inc. Segregated; 1,275 lbs. denatured for use as animal feed.

**25500. Dates.** (F.D.C. No. 42595. S. Nos. 54-016/18 P.)

**QUANTITY:** 383 70-lb. cases at St. Louis, Mo.

**SHIPPED:** On an unknown date, from New York, N.Y.