

26153. Fresh oysters. (F.D.C. No. 43086. S. No. 14-446 P.)

INFORMATION FILED: 5-28-59, Dist. Md., against J. Harold Thomas, plant manager for W. A. Thomas & Son, Grasonville, Md.

SHIPPED: 12-17-58, from Maryland to Illinois.

LABEL IN PART: (Can) "CAP'N JOHN'S OYSTERS Contents: (12 FL. OZS.) THE GREAT ATLANTIC AND PACIFIC TEA COMPANY NEW YORK, N.Y. DISTRIBUTOR 12129 MD 159."

CHARGE: 403(g) (1)—the article failed to conform to the definition and standard of identity for oysters, since the article was not thoroughly drained, as evidenced by the presence of more than 5 percent of liquid when tested in accordance with the regulations.

PLEA: Nolo contendere.

DISPOSITION: 9-25-59. Fine of \$250, plus costs.

26154. Fresh oysters. (F.D.C. No. 43098. S. No. 33-122 P.)

INFORMATION FILED: 10-14-59, E. Dist. Va., against H. Vernon Drewer, t/a H. Vernon Drewer & Son, Saxis, Va., and H. Vernon Drewer, Jr., an employee.

ALLEGED VIOLATION: On 11-28-52, the defendants caused to be given to a Maryland firm engaged in the oyster business, a guaranty to the effect that each shipment or delivery of oysters by the defendants to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 12-12-58, the defendants caused a number of cans of misbranded oysters to be delivered into the possession of the holder of the guaranty.

The information alleged also that the defendants on 12-12-58, caused the above-mentioned misbranded oysters to be delivered for introduction into interstate commerce at Saxis, Va., for delivery by the purchasers to Daytona Beach, Fla.

CHARGE: 403(g) (1)—the article failed to conform to the definition and standard of identity for oysters, since in the preparation of the article, the containers for the oysters upon being shucked were being filled with water, or salt water, in excess of one-fourth of the volume of oysters and liquid when emptied, and the total time (computed as directed) that such oysters were in contact with water, or salt water containing less than 0.75 percent salt, after leaving the shucker, was more than 30 minutes, which was the maximum amount of water permitted in the containers and the maximum time permitted by the definition and standard.

PLEA: Guilty.

DISPOSITION: 11-2-59. \$250 fine against the defendants jointly.

26155. Frozen rock lobster tails. (F.D.C. No. 43604. S. No. 85-223 P.)

QUANTITY: 8 ctns., 4 10-lb. pkgs. each, at New York, N.Y.

SHIPPED: 8-26-59, from Brazil, by Atalanta Trading Corp.

LABEL IN PART: (Ctn. & pkg.) "Product of Brazil * * * Rock Lobster Tails Fresh Frozen."

LIBELED: 10-23-59, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed rock lobster tails when shipped.

DISPOSITION: 11-20-59. Default—destruction.