

DISPOSITION: 1-19-61. Consent—claimed by Wilbur-Ellis Co., New York, N.Y. Segregated: 71,910 lbs. destroyed and 95,500 lbs. denatured for use as bait and animal feed.

28653. Frozen shrimp. (F.D.C. No. 47995. S. No. 84-238 T.)

QUANTITY: 565 cases, each containing 24 8-oz. pkgs., at St. Louis, Mo.

SHIPPED: 6-22-62, from Morgan City, La., by Morgan City Freezer & Cold Storage.

LABEL IN PART: (Pkg.) "Donnes' Fisherman's Dream Shrimp In-Shell Frozen Fancy Headless * * * Distributed by Quality Frozen Foods, Thibodaux, La." or "Fisherman's Fling Fresh Frozen Headless Shrimp in the Shell * * * Morgan City Freezing and Cold Storage Co., Morgan City, Louisiana."

RESULTS OF INVESTIGATION: Examination showed that the article contained fish, crabs, eels, seaweed, and small whole shrimp with heads on.

LIBELED: 8-22-62, E. Dist. Mo.

CHARGE: 402(b) (2)—when shipped, fish, crabs, eels, and seaweed were substituted in part for shrimp; and 403(a)—the label vignette depicting headless shrimp and the label statements "Fancy" and "Headless" were false and misleading, as applied to a product which was not "Fancy" and consisted of shrimp with heads on.

DISPOSITION: 10-5-62. Consent—claimed by B. A. Favret, t/a Bougon Oyster House, Morgan City, La., and reconditioned for use as bait.

FRUITS AND VEGETABLES

CANNED FRUIT

28654. Canned peaches. (F.D.C. No. 42938. S. No. 45-980 P.)

QUANTITY: 2,195 cases, each containing 24 1-lb. 13-oz. cans, at Dallas, Tex.

SHIPPED: Between 9-17-58 and 1-2-59, from Andersonville, Ga., by Easterlin Packing Co.

LABEL IN PART: "Flint River Yellow Freestone Mixed Pieces and Halves of Irregular Sizes and Shapes, Peaches in Heavy Syrup, Packed by Easterlin Packing Company, Andersonville, Georgia."

LIBELED: 3-27-59, N. Dist. Tex.

CHARGE: 403(g) (2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the correct name of the optional peach ingredient since the label bore the statement: "Mixed Pieces and Halves of Irregular Sizes and Shapes"; and since the label bore the statement: "In Heavy Syrup," whereas the article was packed in a medium designated by the regulations as "Light Syrup"; and 403(h) (1)—the quality of the article fell below the standard of quality for canned peaches since all peach units of the article tested in accordance with the method prescribed in such standard were not pierced by a weight of not more than 300 grams and the label failed to bear, as specified by the regulations, a statement that it fell below such standard.

DISPOSITION: 10-2-59. Consent—claimed by Easterlin Packing Co. Segregated; 267 cases relabeled as substandard and 15 cases destroyed.