

land, Oreg., by A. R. Kirk Co.; and charging that it was adulterated and misbranded.

It is alleged to be adulterated in that it consisted in whole or in part of a putrid substance.

It was also alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer or distributor nor an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and its label failed to bear the name of the food specified in the definition and standard.

On January 24, 1942, A. R. Kirk having appeared as claimant, judgment was entered finding the product adulterated and ordering that it be condemned, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The decomposed portion was segregated and destroyed.

2688. Adulteration of frozen eggs. U. S. v. 67 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. D. C. No. 5225. Sample No. 59001-E.)

On July 24, 1941, the United States attorney for the District of Columbia filed a libel against 67 cans of frozen eggs at Washington, D. C., alleging that the article had been shipped on or about April 8, 1941, by F. M. Stamper Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Eggs 30 Lbs. Net Wt."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2689. Adulteration of frozen eggs. U. S. v. 94 Cans and 84 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 5323. Sample Nos. 60164-E, 60165-E.)

On August 5, 1941, the United States attorney for the District of Oregon filed a libel against 178 30-pound cans of frozen whole eggs at Portland, Oreg., alleging that the article had been shipped on or about April 18 and May 26, 1941, by the Washington Cooperative Poultry Association from Vancouver, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 15, 1941, Washington Cooperative Poultry Association having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently the fit portion was segregated from the unfit and the latter was destroyed.

2690. Adulteration of shell eggs. U. S. v. 12 Crates of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 5272. Sample No. 60464-E.)

On July 31, 1941, the United States attorney for the Eastern District of Washington filed a libel against 12 crates of shell eggs at Vancouver, Wash., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by A. R. Kirk from Canby, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The used crates containing the eggs were variously labeled.

On January 26, 1942, A. R. Kirk, Vancouver, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvage of any portion that was fit for food. The claimant was unable to salvage any worthwhile portion and the lot was destroyed.

FISHERIES PRODUCTS

SHELLFISH

2691. Adulteration of crab meat. U. S. v. Octave J. Rabby (Silver Shell Oyster Co.). Tried to the court and a jury. Verdict of guilty. Fine of \$25 remitted. (F. D. C. No. 2924. Sample No. 9771-E.)

This product was contaminated with filth.

On February 7, 1941, the United States attorney for the Southern District of Alabama filed an information against Octave J. Rabby, trading as Silver

Shell Oyster Co. at Coden, Ala., alleging delivery for shipment on or about June 20, 1940, from the State of Alabama into the State of Maryland, of a quantity of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 9, 1942, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. A verdict of guilty was returned and the court imposed a fine of \$25, which was remitted.

Nos. 2692 and 2693 report the seizure and disposition of crab meat that had been packed under insanitary conditions.

2692. Adulteration of crab meat. U. S. v. 3 Barrels and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 5221, 5222. Sample Nos. 50849-E, 50850-E.)

On July 14, 1941, the United States attorney for the District of Maryland filed libels against 5 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped on or about July 10, 1941, by John's Fish Market from Ocean Springs, Miss.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

On August 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2693. Adulteration of crab meat. U. S. v. 4 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 5169. Sample No. 50847-E.)

On July 9, 1941, the United States attorney for the District of Maryland filed a libel against 4 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 7, 1941, by Louis G. Ambos from Thunderbolt, Ga.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On August 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2694. Misbranding of crab meat. U. S. v. 28 Dozen Cans and 66 Cans of Crab Meat. Default decree of condemnation. Product ordered delivered to local charitable agency. (F. D. C. No. 3523. Sample Nos. 34123-E, 34125-E.)

This product was falsely labeled as a product of Russia, whereas it had been packed in Japan.

On December 14, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named product at Perth Amboy, N. J., alleging that it had been shipped by Mitsui Bussan Kaisha, Ltd., from Yokohama, Japan, on or about October 5, 1939, and June 24, 1940; and charging that it was misbranded. It was labeled in part: (Cans) "Flagstaff Crab Meat * * * 6½ Oz. Avoir. * * * Packed in U. S. S. R. Soviet Union."

It was alleged to be misbranded in that the statement "Packed in U. S. S. R. Soviet Union" was false and misleading as applied to an article packed in Japan.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

2695. Adulteration of canned clams. U. S. v. 44 Cases of Canned Clams. Default decree of condemnation and destruction. (F. D. C. No. 5190. Sample No. 51090-E.)

Examination of this product showed the presence of decomposed clams.

On July 22, 1941, the United States attorney for the District of Rhode Island filed a libel against 44 cases of canned clams at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 27, 1941, by R. K. Barter Canneries, Inc., from Stonington, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Deer Isle Brand Fancy Maine Clams."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2696 to 2704 report the institution of criminal proceedings and the judgments entered in actions based on shipment of oysters that were alleged to contain added water.