

ALLEGED SHIPMENT: On or about March 10, 1944, by General Seafoods, Inc., Violet, La.

PRODUCT: 327 cases, each containing 48 cans, of oysters at New York, N. Y.

LABEL, IN PART: (Cans) "40-Fathom Oysters Distributed by 40-Fathom Fish, Inc., Boston, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 19, 1944. 40-Fathom Fish, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction of the latter, under the supervision of the Food and Drug Administration.

6112. Adulteration of canned oysters. U. S. v. 47 Cases of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 12410. Sample No. 67254-F.)

LIBEL FILED: On or about May 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 13, 1944, by the Dorgan Packing Corp., Biloxi, Miss.

PRODUCT: 47 cases, each containing 48 7½-ounce cans, of oysters at Cincinnati, Ohio.

LABEL, IN PART: (Cans) "Water Crest * * * Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6113. Adulteration and misbranding of frozen shrimp. U. S. v. 312 Cases and 342 Cases of Shrimp. Decrees of condemnation. Portion of product ordered released under bond to claimant; remainder ordered disposed of for fish food. (F. D. C. Nos. 12380, 12381, 12752. Sample Nos. 39285-F, 73223-F.)

LIBELS FILED: May 16, 1944, Southern District of California; June 22, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about February 4 and 18, 1944, by the Otto L. Kuehn Co., from Hammond, La.

PRODUCT: 312 cases, each containing 24 12-ounce cartons, at Los Angeles, Calif., and 342 cases, each containing 10 5-pound cartons, of shrimp, at San Francisco, Calif.

LABEL, IN PART: (Cartons) "O. K. Brand Frozen Fresh [or "Fancy Jumbo"] Shrimp."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (both lots) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), (San Francisco lot) the statement "Jumbo Shrimp" was false and misleading as applied to small size shrimp.

DISPOSITION: June 13, 1944. No claimant having appeared for the lot at Los Angeles, judgment of condemnation was entered and the product was ordered destroyed. An amended decree entered on June 16, 1944, ordered the product delivered to the Fish and Game Commission, Department of Natural Resources of the State of California, for use as fish food. On July 25, 1944, the Otto L. Kuehn Co. having appeared as claimant for the lot at San Francisco, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformance with the law under the supervision of the Food and Drug Administration.

6114. Adulteration of frozen, headless shrimp. U. S. v. 2,660 Boxes of Frozen Headless Shrimp. Tried to the court. Decree of condemnation. Product ordered released under bond for sale as animal food. (F. D. C. No. 10867. Sample No. 36454-F.)

LIBEL FILED: October 5, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about August 21, 1943, by the U. S. Cold Storage Co., Dallas, Tex.

PRODUCT: 2,660 boxes, each containing 5 pounds, of frozen headless shrimp, at Denver, Colo.

LABEL, IN PART: "Fisher Boy Shrimp * * * Packed by Booth Fisheries Corporation Chicago, Illinois."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: The Booth Fisheries Corporation, Denver, Colo., having appeared as claimant and having denied that the product was adulterated, the case was tried to the court on May 4 and 5, 1944, and the following findings of fact and conclusions of law were entered:

J. FOSTER SYMES, *District Judge*: "This cause having come on for trial to the Court on the 5th day of May, A. D. 1944, and the Court having heard the evidence and having read the briefs and being fully advised, doth make the following findings of fact and conclusions of law:

FINDINGS OF FACT

"1. That this shipment of 2,660 boxes, more or less, each containing five pounds frozen headless shrimp, was, on or about the 24th day of August, A. D. 1943, transported from the City of Dallas, in the State of Texas, to and into the City and County of Denver, in the State and District of Colorado, within the jurisdiction of this Court, to the Booth Fisheries Corporation, claimant.

"2. That 21.7% of the shrimp comprising said shipment were found to be either in an intermediate or advanced state of decomposition.

CONCLUSIONS OF LAW

"1. That the Court had jurisdiction over the parties and the cause of action.

"2. That said shipment of shrimp involved was shipped in interstate commerce and was adulterated within the meaning of Title 21 USCA, Section 342 (a) (3).

"3. That said shrimp is hereby held to be unfit for human consumption, and is ordered condemned."

On June 24, 1944, judgment of condemnation was entered and the product was ordered released to the claimant, under bond, to be disposed of as animal feed.

FRUITS AND VEGETABLES

CANNED AND FROZEN FRUITS

6115. Adulteration of Frozen Blueberries. U. S. v. 600 Boxes of Frozen Blueberries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11858. Sample No. 57266-F.)

LIBEL FILED: February 21, 1944, District of New Jersey.

ALLEGED SHIPMENT: January 6, 1944, by the Monmouth Products Co., from Williamsburg, Va.

PRODUCT: 600 boxes, each containing 30 pounds, of frozen blueberries at Asbury Park, N. J. Examination showed that the berries were, in part, moldy.

LABEL, IN PART: "Maple Leaf Brand Blueberries Canada Packers Limited Charlottetown, P. E. I. Canada."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 26, 1944. Flint & Fulton, Inc., claimant, trading as the Monmouth Products Co., Asbury Park, N. J., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, or upon deposit of cash collateral, for segregation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

6116. Misbranding of olives. U. S. v. 198 Cases of Olives. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12930. Sample No. 35100-F.)

LIBEL FILED: On or about July 13, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 14, 1944, by Max Ams, Inc., from New York, N. Y.

PRODUCT: 198 cases, each containing 24 jars, of olives at Atlanta, Ga.

These olives were packed in four vertical rows, two opposite rows containing five plain olives, and the other two opposite rows containing four stuffed olives, the stuffed ends facing out.