

ALLEGED SHIPMENT: On or about August 12, 1949, by McInnes Products, Ltd., from Grimshaw, Alberta, Canada.

PRODUCT: 2,299 pounds of frozen whitefish at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

16127. Adulteration and misbranding of oysters. U. S. v. 74 Pints * * *. (F. D. C. No. 28876. Sample No. 61389-K.)

LIBEL FILED: March 7, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about February 17, 1950, by W. E. Riggin & Co., from Crisfield, Md.

PRODUCT: 74 pints of oysters at Danville, Ill.

LABEL, IN PART: "Rig Co. Brand Salt Water Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its weight or bulk and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since it was not thoroughly drained, as required by the standard.

DISPOSITION: March 21, 1950. Default decree of condemnation and destruction.

16128. Misbranding of canned oysters. U. S. v. 39 Cases * * *. (F. D. C. No. 28717. Sample No. 47655-K.)

LIBEL FILED: February 21, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 7, 1949, by the Neuse Packing Co., from Morehead City, N. C.

PRODUCT: 39 cases, each containing 48 cans, of oysters at Norfolk, Va.

LABEL, IN PART: (Can) "Double Eagle Brand Oysters Drained Wt. 4 $\frac{2}{3}$ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Wt. 4 $\frac{2}{3}$ Oz." was false and misleading since the product contained an average drained weight of 4.42 ounces; and, Section 403 (h) (2), the product failed to conform to the standard of fill of container for canned oysters since the container was not so filled that the drained weight of the oysters taken from each container was not less than 59 percent of the water capacity of the container, and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: March 30, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

16129. Adulteration of canned shrimp. U. S. v. 39 Cases, etc. (F. D. C. No. 29021. Sample No. 80923-K.)

LIBEL FILED: March 22, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 10, 1950, by the Peer Foods Co., from New Orleans, La.

PRODUCT: 70 cases, each containing 48 5-ounce cans, of shrimp at Philadelphia, Pa.

LABEL, IN PART: (Can) "Our Special Brand Small [or "Medium"] Shrimp Wet Pack Drained Weight 5 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: On March 24, 1950, the court ordered 39 cases of the "Small" shrimp released and the libel dismissed as to that lot. On April 17, 1950, the shipper of the product having authorized the condemnation and destruction of the remaining 31 cases, judgment of condemnation was entered and the court ordered that the lot be destroyed.

16130. Adulteration of canned shrimp. U. S. v. 26 Cases * * *. (F. D. C. No. 28784. Sample No. 52376-K.)

LIBEL FILED: January 23, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 9, 1949, by the Dorgan Packing Corp., Biloxi, Miss.

PRODUCT: 26 cases, each containing 48 5-ounce cans, of shrimp at Camp Campbell, Ky.

LABEL, IN PART: "Water Crest Wet Pack Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 6, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES *

CANNED FRUIT

16131. Misbranding of canned peaches. U. S. v. 99 Cases * * *. (F. D. C. No. 28730. Sample No. 68724-K.)

LIBEL FILED: February 21, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about January 19, 1950, by the Rogue River Packing Corp., from Medford, Oreg.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Cranston, R.I.

LABEL, IN PART: (Can) "A&P Halved Yellow Freestone Peaches In Extra Heavy Syrup Home Style Elberta."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported 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 the regulations the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

*See also No. 16101.