

17572. Adulteration of canned shrimp and canned oysters. U. S. v. Pelican Lake Oyster & Packing Co., Ltd. Plea of nolo contendere. Fine, \$1,500.
(F. D. C. No. 29453. Sample Nos. 32546-K, 50089-K, 50090-K.)

INFORMATION FILED: November 27, 1950, Eastern District of Louisiana, against the Pelican Lake Oyster & Packing Co., Ltd., a corporation, Houma, La.

ALLEGED VIOLATION: On or about August 16, 1949, the defendant gave to a firm engaged in the business of shipping oysters in interstate commerce, at New Orleans, La., a guaranty to the effect that foods, canned or otherwise, sold by the defendant to the holder of the guaranty would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. During the period from on or about August 16, 1949, to on or about November 4, 1949, the defendant sold and delivered under the guaranty, at New Orleans, La., a number of cans of oysters that were adulterated.

On or about November 3, 1949, the defendant shipped a quantity of canned oysters and canned shrimp from the State of Louisiana into the State of Washington.

LABEL, IN PART: "Pel - La - Co Louisiana Shrimp [or "Louisiana Oysters"] Pelican Lake Oyster & Packing Co., Ltd., Distributors Houma, Louisiana" or "Pearl Reef Brand * * * Cove Oysters * * * Haas Bros. Distributors San Francisco, Calif."

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

DISPOSITION: January 24, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,500.

17573. Misbranding of canned chopped clams. U. S. v. 32 Cases * * *.
(F. D. C. No. 30966. Sample Nos. 30225-L, 30230-L.)

LIBEL FILED: July 2, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about April 23, 1951, by the Iwersen Canning Co., from Cape May, N. J.

PRODUCT: 32 cases, each containing 12 cans, of chopped clams at Seattle, Wash.

LABEL, IN PART: "Happy Home Brand Contents 3 Lbs. 3 Oz. Avoir. Chopped Clams."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 3 pounds, 3 ounces, the declared weight.)

DISPOSITION: August 2, 1951. The Iwersen Canning Co., Point Roberts, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17574. Adulteration and misbranding of frozen crab cakes. U. S. v. 237 Packages * * *. (F. D. C. No. 30806. Sample No. 3065-L.)

LIBEL FILED: February 20, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about January 15, 1951, by Home Style Foods, Inc., from Philadelphia, Pa.

PRODUCT: 237 packages of frozen crab cakes at Washington, D. C.

• LABEL, IN PART: (Package) "Home Style Deviled Crab Cakes 24 Count Net Wt. 2 lb. 4 oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing fish and crab meat had been substituted in whole or in part for crab cakes.

Misbranding, Section 403 (a), the name "Crab Cakes" appearing on the label was false and misleading as applied to an article containing fish.

DISPOSITION: March 14, 1951. Home Style Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES

CANNED FRUIT

17575. Adulteration of canned prunes. U. S. v. 27 Cases * * *. (F. D. C. No. 30681. Sample No. 18955-L.)

LABEL FILED: March 7, 1951, District of South Dakota.

ALLEGED SHIPMENT: On or about October 18, 1950, by J. C. Tracy & Co., from Dallas, Oreg.

PRODUCT: 27 cases, each containing 6 6-pound, 8-ounce cans, of prunes at Sioux Falls, S. Dak.

LABEL, IN PART: "Valley Home Bread * * * Plums/Prunes."

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 prunes.

DISPOSITION: July 23, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17576. Adulteration of frozen strawberries. U. S. v. Cloverdale Cooperative Berry Assn., a corporation, and Edward Pisila. Pleas of not guilty. Tried to the court and jury; verdict of guilty. Corporation fined \$1,000 and individual defendant fined \$200, together with costs. (F. D. C. No. 29638. Sample Nos. 79063-K to 79066-K, incl.)

INFORMATION FILED: January 9, 1951, Western District of Washington, against the Cloverdale Cooperative Berry Assn., Kalama, Wash., and Edward Pisila, manager of the corporation.

ALLEGED SHIPMENT: On or about June 24 and 27, 1950, from the State of Washington into the State of Oregon.

LABEL, IN PART: "Cloverdale Co-Op Berry Assn. Marshall Strawberries Straight Juice Net 380 Lbs. Kalama, Wash."

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

DISPOSITION: Pleas of not guilty having been entered, the cause came on for trial before the court and jury, and on August 16, 1951, a verdict of guilty was rendered. On August 24, 1951, the court imposed a fine of \$1,000 against the corporation and \$200 against the individual defendant, together with costs.