

ALLEGED SHIPMENT: On or about November 8, 1951, by the General Freezer & Storage Co., from New Bedford, Mass.

PRODUCT: 663 boxes, each containing 3 10-pound cartons, of whiting at Atlanta, Ga.

LABEL, IN PART: "H & G Whiting."

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: January 4, 1952. Default decree of condemnation and destruction.

18377. Adulteration of canned smoked mussels. U. S. v. 78 Cases * * *.
(F. D. C. No. 31953. Sample No. 22989-L.)

LABEL FILED: October 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 29, 1951, from Holland.

PRODUCT: 78 cases, each containing 48 3¼-ounce cans, of smoked mussels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was decomposed. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1951. Theodore Koryn, New York, N. Y., 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 segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 12 cases and 7 cans were destroyed.

18378. Adulteration and misbranding of oysters. U. S. v. 464 Cans * * *.
(F. D. C. No. 32119. Sample No. 2949-L.)

LABEL FILED: On or about November 23, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 19, 1951, by C. W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 464 1-pint cans of oysters at York, Pa.

LABEL, IN PART: "Oysters Standards H and B Brand 1 Pint MD 193."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained, and in the preparation of the article, the total time of contact with water after leaving the shucker was more than 30 minutes; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Pint" was inaccurate. (The cans were short of the declared volume.)

DISPOSITION: January 4, 1952. Default decree of condemnation and destruction.

18379. Adulteration and misbranding of frozen, cooked shrimp. U. S. v. 65 Cans * * *.
(F. D. C. No. 31954. Sample No. 23231-L.)

LABEL FILED: October 31, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 24, 1950, from Manteo, N. C.

PRODUCT: 65 unlabeled 2-pound cans of frozen, cooked shrimp at New York, N. Y.

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.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18380. Misbranding of canned peaches. U. S. v. 848 Cases * * *. (F. D. C. No. 31786. Sample No. 11972-L.)

LIBEL FILED: October 15, 1951, Southern District of Indiana; amended October 18, 1951.

ALLEGED SHIPMENT: On or about August 31, 1951, by S. G. Wimmer & Son, from Christiansburg, Va.

PRODUCT: 848 cases, each containing 48 1-pound, 13-ounce cans, of peaches at Richmond, Ind.

LABEL, IN PART: (Can) "Brush Creek Brand Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), 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 the label of the article failed to bear the name of the optional packing medium present in the article since its label bore the statement "In Heavy Syrup" and a portion of the article was packed in a medium designated as "light sirup" in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches. The standard provides that for canned peach halves of standard quality (1) all units tested in accordance with the method prescribed in such standard shall be pierced by a weight of not more than 300 grams; (2) the weight of each peach unit shall be not less than $\frac{3}{8}$ ounce; (3) the weight of the largest unit in the container shall be not more than twice the weight of the smallest unit therein; (4) there shall be present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents; (5) not more than 20 percent of the units in the container shall be blemished with scab, hail injury, discoloration, or other abnormality; and (6) all peach units shall be untrimmed, or shall be so trimmed as to preserve their normal shape. A portion of the article failed to meet such specifications for tenderness, size, weight, peel, blemishes, and trimming, and the label failed to bear statements that the article fell below such standard.