

**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 meet the definition and standard of identity for oysters since it was not thoroughly drained and was in contact with water for more than 30 minutes after leaving the shucker.

**DISPOSITION:** January 16, 1952. Default decree of condemnation and destruction.

**18774. Misbranding of oysters. U. S. v. 304 Cans, etc. (F. D. C. No. 32313. Sample Nos. 3889-L, 3890-L.)**

**LIBEL FILED:** December 20, 1951, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 17, 1951, by C. A. Lockerman, from Crisfield, Md.

**PRODUCT:** 768 cans of oysters at Altoona, Pa.

**LABEL, IN PART:** "Oysters Standards [or "Selects"] 1 Pint."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 1 pint.

**DISPOSITION:** January 17, 1952. Default decree of condemnation and destruction.

**18775. Misbranding of oysters. U. S. v. 584 Cans \* \* \*. (F. D. C. No. 32312. Sample No. 3887-L.)**

**LIBEL FILED:** December 20, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 17, 1951, by Carol Dryden & Co., Inc., from Crisfield, Md.

**PRODUCT:** 584 cans of oysters at Columbus, Ohio.

**LABEL, IN PART:** "Oysters Standards One Pint Pride of the Chesapeake."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 1 pint.

**DISPOSITION:** December 21, 1951. The shipper, 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 to be relabeled under the supervision of the Food and Drug Administration.

**18776. Misbranding of oysters. U. S. v. 120 Cans \* \* \*. (F. D. C. No. 31928. Sample No. 4374-L.)**

**LIBEL FILED:** October 25, 1951, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 16, 1951, by John T. Handy Co., Inc., from Crisfield, Md.

**PRODUCT:** 120 cans of oysters at Lexington, Ky.

**LABEL, IN PART:** "Oysters 1 Pint Handy's MD 224."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 1 pint.)

**DISPOSITION:** January 8, 1952. Default decree of condemnation and destruction.

**18777. Adulteration of frozen shrimp. U. S. v. 15 Cases, etc. (F. D. C. Nos. 32625, 32626. Sample Nos. 17770-L, 18260-L.)**

**LIBEL FILED:** January 23, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about October 18 and December 12, 1951, from Hilo and Honolulu, Hawaii. These were return shipments.

**PRODUCT:** 28 cases, each containing 12 5-pound blocks, of frozen shrimp at Wilmington, Calif.

**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:** March 7, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**18778. Adulteration of canned mashed bananas. U. S. v. 241 Cases \* \* \* (F. D. C. No. 32461. Sample No. 38005-L.)**

**LIBEL FILED:** January 31, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 19, 1948, from Guantanamo, Cuba.

**PRODUCT:** 241 cases, each containing 6 6-pound, 8-ounce cans, of mashed bananas at Brooklyn, N. Y.

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

**DISPOSITION:** August 7, 1952. Default decree of condemnation and destruction.

**18779. Misbranding of canned peaches. U. S. v. 697 Cases \* \* \* (F. D. C. No. 32976. Sample No. 17003-L.)**

**LIBEL FILED:** March 24, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 19, 1952, by Case-Swayne Co., Inc., from Santa Ana, Calif.

**PRODUCT:** 697 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Somerville, Mass.

**LABEL, IN PART:** "Yor Garden Ripe Yellow Freestone Sliced Peaches \* \* \* In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product 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 its label failed to bear, as required by the standard, the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup," whereas the product was packed in heavy sirup.

**DISPOSITION:** June 16, 1952. The shipper, claimant, having consented to the entry of a decree, judgement of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.