

**20629. Adulteration of crab cocktail and shrimp cocktail. U. S. v. 29 Cases, etc.**  
Decree of condemnation. Action for criminal contempt instituted against Alvin Flake. Contempt action dismissed. (F. D. C. No. 33679. Sample Nos. 30669-L, 64021-L, 64022-L.)

**LIBEL FILED:** September 11, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 23 and August 5, 1952, by the M. & S. Canning Co., from Milwaukie, Oreg.

**PRODUCT:** 29 cases, each containing 24 3 $\frac{1}{4}$ -ounce jars, and 49 cases, each containing 24 3-ounce jars, of crab cocktail, and 24 cases, each containing 24 3-ounce jars, of shrimp cocktail, at Seattle, Wash. Examination showed that the products consisted of tomato sauce with small amounts of crabmeat and shrimpmeat.

**LABEL, IN PART:** (Jar) "Smith's Sea Foods Crab Cocktail [or "Shrimp Cocktail"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, crabmeat and shrimpmeat, had been in part omitted from the articles.

**DISPOSITION:** On April 3, 1953, a default decree of condemnation and destruction was entered. Thereafter, the United States marshal attempted to locate the product for the purpose of effecting its destruction in accordance with the terms of the decree, but was unable to find any portion of it. Subsequently, an action for criminal contempt was instituted against Alvin Flake, a food broker engaged in business in Seattle, based upon the unwarranted disappearance of the product. The contempt action came on for hearing before the court on December 5, 1953, and, at the conclusion of the Government's case, a motion was made by Defendant Flake for dismissal of the action because of insufficiency of proof. After consideration of the testimony and the arguments of counsel, the court found that the defendant was not guilty of contempt of court as charged and ordered that the contempt proceedings be dismissed.

**20630. Adulteration of crabmeat. U. S. v. 4 Boxes \* \* \*. (F. D. C. No. 35545.**  
Sample No. 50308-L.)

**LIBEL FILED:** July 27, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 18, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.

**PRODUCT:** 4 boxes, each containing 100 1-pound cans, of crabmeat at New York, N. Y. Examination showed that the product was contaminated with *E. coli*.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health.

**DISPOSITION:** September 17, 1953. Default decree of condemnation and destruction.

**20631. Adulteration of crabmeat. U. S. v. 200 Cans, etc. (F. D. C. No. 35544.**  
Sample Nos. 2583-L, 50305-L, 50306-L.)

**LIBEL FILED:** July 24, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 14, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.

PRODUCT: 300 1-pound cans of crabmeat at New York, N. Y. Examination showed that the product was contaminated with *E. coli*.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health.

DISPOSITION: September 15, 1953. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

20632. Misbranding of canned apricots. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 35398. Sample No. 42083-L.)

LABEL FILED: August 21, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 23, 1953, by the Consolidated Grocers Corp., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 24 cans, of apricots at Somerville, Mass.

LABEL, IN PART: (Can) "Monarch Unpeeled Halves Apricots \* \* \* Packed In Extra Heavy Syrup Contents 1 Lb. 1 Oz. (482 Gms.)."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the definition and standard of identity for canned apricots, the name of the optional packing medium present in the article since the label bore the statement "In Extra Heavy Syrup," whereas the article was packed in a medium designated as heavy sirup in the definition and standard.

DISPOSITION: November 6, 1953. The Reid Murdoch Division, Consolidated Grocers Corp., Somerville, Mass., 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 Department of Health, Education, and Welfare.

20633. Misbranding of canned peaches. U. S. v. 397 Cases \* \* \*. (F. D. C. No. 35227. Sample Nos. 43080-L, 45234-L.)

LABEL FILED: May 6, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 4, 1953, by the Stanislaus Food Products Co., from Stockton, Calif.

PRODUCT: 397 cases, each containing 24 cans, of peaches at Somerville, Mass.

LABEL, IN PART: (Can) "'Yor' Garden Sliced Ripe Yellow Freestone Peaches Elberta Variety In Extra Heavy Syrup \* \* \* Net Weight 1 Lb. 14 Oz."

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

DISPOSITION: November 12, 1953. The Stanislaus Food Products Co., 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 Department of Health, Education, and Welfare.