

LABEL IN PART: (Can) "Oysters 12 Fl. Ozs. W. C. Dean & Co. Wingate, Md."

CHARGE: 403(g)(1)—when shipped, the oysters failed to conform to the definition and standard of identity for oysters, in that they were not thoroughly drained, since they contained more than five percent of liquid when tested in accordance with the regulations.

PLEA: Nolo contendere.

DISPOSITION: 5-18-59. \$250 fine, plus costs.

25700. Oysters. (F.D.C. No. 43076. S. No. 5-801 P.)

INFORMATION FILED: 4-20-59, Dist. Md., against St. Michaels Oyster Co., a partnership, St. Michaels, Md., and Edward R. Morris, a partner.

SHIPPED: 12-13-58, from Maryland to Illinois.

LABEL IN PART. (Cans) "B&L BRAND OYSTERS BIVALVE OYSTER PACKING CO., BIVALVE, MD. DISTRIBUTORS MD. 281 CONTENTS ONE GALLON."

CHARGE: 403(g)(1)—when shipped, the oysters failed to conform to the definition and standard of identity for oysters, since the containers for the oysters upon being shucked were filled with excessive amounts of water or salt water, and the total time the oysters were in contact with water or salt water after leaving the shucker, was more than 30 minutes.

PLEA: Guilty.

DISPOSITION: 6-6-59. Partnership and individual each fined \$125.

FRUITS AND VEGETABLES

CANNED FRUIT

25701. Canned sliced apples. (F.D.C. No. 42574. S. No. 6-168 P.)

QUANTITY: 406 cases, 6 #10-size cans each, at Washington, D.C.

SHIPPED: 10-28-58, from Berryville, Va., by H. F. Byrd, Inc.

LIBELED: 12-16-58, Dist. Columbia.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped; 403(e)(1) and (2)—the article 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 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to contain the common or usual name of each such ingredient.

DISPOSITION: 2-4-59. Consent—claimed by H. F. Byrd, Inc. Segregated; good portion relabeled, and 91½ cases destroyed.

25702. Canned peaches. (F.D.C. No. 42679. S. No. 37-357 P.)

QUANTITY: 1,746 cases, 24 cans each, at Memphis, Tenn.

SHIPPED: 10-28-58, from Modesto, Calif., by Robert Boyer Co., Inc.

LABEL IN PART: (Can) "Frontier Halves Yellow Freestone Peaches * * * Packed For Soule, Gibbs & Boyer, San Francisco, Calif. * * * Net Wt. 1 Lb. 13 Oz."

LIBELED: 1-30-59, W. Dist. Tenn.