

13108. Misbranding of canned tuna fish. U. S. v. 87 Cases * * *. (F. D. C. No. 23875. Sample No. 43559-H.)

LIBEL FILED: October 27, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 28, 1947, by the Rexton Products Corp., from Los Angeles, Calif.

PRODUCT: 87 cases, each containing 48 cans, of tuna fish at Beverly, Mass.

LABEL, IN PART: (Cans) "Ameri-cana Brand White Meat Grated Tuna * * * Contents 6 Oz. Avoir. Packed by Ameri-cana Fisheries Wilmington, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "White Meat Grated Tuna" was false and misleading as applied to grated tuna which was dark in color and had a flavor and odor stronger than that characteristic of white meat tuna; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: March 15, 1948. The Rexton Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

13109. Adulteration of canned crab meat. U. S. v. 98 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 21200, 21269, 21339, 21709. Sample Nos. 5371-H, 24995-H, 24996-H, 50107-H, 50108-H, 53803-H.)

LIBELS FILED: October 16, 21, and 22, and December 4, 1946, Southern District of Ohio, District of New Jersey, and Southern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of July 20 and September 7, 1946, by the Skrmetta Seafood Co., from New Orleans, La.

PRODUCT: 98 cases at Columbus, Ohio, 147 cases at Camden, N. J., and 73 and 82 cases at Houston, Tex., each case containing 24 $7\frac{8}{10}$ - or 6 $\frac{1}{2}$ -ounce cans of crab meat.

LABEL, IN PART: "Sea Treasure Brand Claw [or "White"] Meat American Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for crab meat.

DISPOSITION: January 21, March 13, and October 31, 1947, and March 23, 1948. The Skrmetta Seafood Co., claimant for the Columbus and Camden lots, and Paul Skrmetta, claimant for 73 cases at Houston, having consented to the entry of decrees, judgments of condemnation were entered and the stated lots were ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. No claim having been entered for 82 cases at Houston, the lot was condemned and ordered destroyed.

13110. Misbranding of oysters. U. S. v. 1 Barrel * * *. (F. D. C. No. 24031. Sample No. 9359-K.)

LIBEL FILED: December 19, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1947, by the John T. Handy Co., from Crisfield, Md.

PRODUCT: 1 barrel, containing approximately 120 1-pint cans, of fresh oysters at Scranton, Pa.

LABEL, IN PART: "Oysters Selects One Pint Handy's Oysters."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters (selects), since it was not thoroughly drained. (The product contained 10.2 percent excessive liquid.)

DISPOSITION: February 19, 1948. Default decree of condemnation and destruction.

13111. Adulteration of frozen shrimp. U. S. v. 106 boxes * * *. (F. D. C. No. 24726. Sample No. 8727-K.)

LIBEL FILED: April 16, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about September 25, 1947, by the Versaggi Fish Co., from New York, N. Y.

PRODUCT: 106 boxes, containing approximately 12,170 pounds, of frozen shrimp at Monmouth Beach, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed shrimp.)

DISPOSITION: April 30, 1948. The Versaggi Fish Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Food and Drug Administration.

13112. Misbranding of canned shrimp. U. S. v. 21 Cases * * *. (F. D. C. No. 21927. Sample No. 41962-H.)

LIBEL FILED: December 5, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 18, 1946, by L. Lopez Sons, Phoenix, La.

PRODUCT: 21 cases, each containing 48 cans, of shrimp at Norfolk, Va.

LABEL, IN PART: "Lopez Brand Drained Weight 7 Oz. Wet Pack Large Shrimp."

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. (Examination showed that the cans contained less than 7 ounces, the declared weight.)

Further misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for wet-packed shrimp in nontransparent containers, since the cut-out weight of shrimp taken from the can was less than 64 percent of the water capacity of the container and its label failed to bear a statement that it fell below the standard.

DISPOSITION: February 6, 1947. Florian S. Lopez and John B. Lopez, trading as L. Lopez Sons, having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13113. Adulteration of Shrimp Chips. U. S. v. 20 Cartons * * *. (F. D. C. No. 24743. Sample No. 9773-K.)

LIBEL FILED: April 29, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about March 22, 1948, by the Mai-Mai Co., from Newark, N. J.

PRODUCT: 20 cardboard cartons, containing approximately 1,000 pounds, of Shrimp Chips at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of cat hair fragments, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 18, 1948. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT*

13114. Misbranding of canned apricots. U. S. v. 498 Cases * * *. (F. D. C. No. 22919. Sample No. 46186-H.)

LIBEL FILED: April 17, 1947, Northern District of New York.

ALLEGED SHIPMENT: On or about March 20, 1947, by the Jonathan Levi Co., from Oakland, Calif.

*See also No. 13166.