

15087. Action to enjoin and restrain the interstate shipment of crab meat. U. S. v. Garland F. Fulcher (Garland F. Fulcher Seafood Co.). Temporary injunction granted. (Inj. No. 197.)

COMPLAINT FILED: July 22, 1948, Eastern District of North Carolina, against Garland F. Fulcher, trading as the Garland F. Fulcher Seafood Co., at Oriental, N. C.

NATURE OF CHARGE: The defendant, Garland F. Fulcher, had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce at Oriental, N. C., crab meat which was adulterated in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of *Escherichia coli*, and in violation of Section 402 (a) (4), in that it had been prepared and packed under insanitary conditions at the defendant's Oriental plant, whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's plant resulted from the presence of rodents, flies, and decomposed crab scraps in and around places in the plant where the crab meat was prepared and packed, and in and around the equipment and raw materials used; and that the insanitary conditions resulted also from general carelessness on the part of the defendant in correcting the insanitary practices of the defendant's employees.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: July 29, 1948. The defendant having failed to make an appearance after a Notice to Show Cause had been served upon him, and the court having made findings of fact in accordance with the allegations of the complaint, judgment was entered enjoining the defendant during the pendency of the action from introducing or delivering, or causing the introduction or delivery for introduction into interstate commerce, of crab meat which was adulterated within the meaning of Sections 402 (a) (3) and (4). Thereafter, the defendant discontinued his operations, and, accordingly, no further action was taken in the case.

15088. Adulteration and misbranding of frozen shrimp. U. S. v. 119 Cases * * *. (F. D. C. Nos. 26365 to 26367, incl. Sample Nos. 29373-K to 29375-K, incl., 29377-K.)

LABEL FILED: January 5, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 11, 1948, by Mercado Sea Foods, Inc., from Nogales, Ariz.

PRODUCT: 119 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

LABEL, IN PART: (Cartons) "5 Lbs. Net Wt. Fresh Frozen Shrimp Packed by Nogales Freezing & Storage Co. Nogales Arizona, Products of Mexico," "5 Lbs. Net Weight Fresh Frozen Shrimp," or "5 Lb. Net Weight."

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.)

Misbranding, Section 403 (e) (1), (19 cases) the product was in package form and failed to bear a label containing the name and place of business of

the manufacturer, packer, or distributor; and, Section 403 (i) (1), (15 cases) the label failed to bear the common or usual name of the food.

DISPOSITION: April 13, 1949. Luis S. Mercado, Phoenix, Ariz., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be reprocessed, under the supervision of the Food and Drug Administration. The entire lot was reprocessed into fish bait.

VEGETABLES

15089. Adulteration of mung beans. U. S. v. 220 Bags * * *. (F. D. C. No. 25178. Sample No. 31802-K.)

LIBEL FILED: July 19, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about October 18, 1947, from Enid, Okla.

PRODUCT: 220 100-pound bags of mung beans at Los Angeles, Calif., in the possession of the American Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1948. The Kwong Dack Wo Co., Los Angeles, Calif., having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was moved to a new location, and the bags of beans were brushed and cleaned.

15090. Adulteration of yellow-eye beans. U. S. v. 13 Bags * * *. (F. D. C. No. 26593. Sample No. 5599-K.)

LIBEL FILED: February 14, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 10, 1948, by W. J. Pfeil, Inc., from Alden, N. Y.

PRODUCT: 13 100-pound bags of yellow-eye beans at Boston, Mass.

LABEL, IN PART: "Colonial Brand Yellow Eye Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: May 16, 1949. W. J. Pfeil, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reconditioned under the supervision of the Federal Security Agency by cleaning, sorting, and the picking out of all dirty and objectionable material, so as to bring the product into compliance with the law. The reconditioning operations resulted in the segregation and denaturing of 210 pounds of beans which were unfit.

15091. Adulteration of canned corn. U. S. v. Lakeside Packing Co. Plea of guilty. Fine, \$300. (F. D. C. No. 26784. Sample No. 53141-K.)

INFORMATION FILED: May 6, 1949, District of Minnesota, against the Lakeside Packing Co., a corporation, Plainview, Minn.

ALLEGED SHIPMENT: On or about November 2, 1948, from the State of Minnesota into the State of Texas.