

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 13, 1949. Edmond P. Melanson, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. An attempt to segregate the product proved unsuccessful, and, accordingly, the entire lot was destroyed.

15373. Misbranding of oysters. U. S. v. 568 Cans * * *. (F. D. C. No. 27979, Sample Nos. 2378-K, 2379-K.)

LIBEL FILED: November 9, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 4, 1949, by T. W. Hamilton & Co., from Lecato, Va.

PRODUCT: 568 cans of oysters at Portsmouth, Ohio.

LABEL, IN PART: "Oysters One Pint Net."

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 the declared volume of 1 pint.)

DISPOSITION: December 9, 1949. The consignee having consented, an order for the immediate destruction of the product was issued since the product had spoiled.

FRUITS AND VEGETABLES*

CANNED FRUIT

15374. Misbranding of canned apricots. U. S. v. 249 Cases * * *. (F. D. C. No. 27806, Sample No. 32656-K.)

LIBEL FILED: September 14, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 8, 1949, by the Tri-Valley Packing Assn., from Stockton, Calif.

PRODUCT: 249 cases, each containing 48 8¾-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: (Can) "Food Club Halves Unpeeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be, and was represented as, canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as such definition and standard specifies, the name of the optional packing medium present in the article. The label of the article bore the statement "in Heavy Syrup," whereas the article was packed in sirup designated as "light sirup" in such standard.

DISPOSITION: October 5, 1949. The Penn Fruit Co., Philadelphia, Pa., 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 Federal Security Agency.

*See also Nos. 15351, 15352.