

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted for oysters; and, Section 402 (b) (4), water had been added to the oysters so as to reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and in the preparation of the oysters, the total time of contact with water, or salt water, after leaving the shucker, computed as directed in the definition and standard, was more than 30 minutes.

DISPOSITION: February 21, 1952. Default decree of condemnation and destruction.

18617. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32441. Sample No. 26193-L.)

LIBEL FILED: January 23, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 14, 1952, by F. F. East, Inc., from Maurice River, N. J.

PRODUCT: 144 cans of oysters at Freeport, Ill.

LABEL, IN PART: (Can) "Oysters Standards NJ One Pint Sailor Boy Brand."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards in that the article was not thoroughly drained, as prescribed by the definition and standard.

DISPOSITION: April 21, 1952. Default decree of condemnation and destruction.

18618. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32306. Sample No. 3817-L.)

LIBEL FILED: December 19, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1951, by the Ware River Seafood Co., from Schley, Va.

PRODUCT: 144 cans of oysters at Kingston, Pa.

LABEL, IN PART: "Oysters Standards One Pint Ware River Brand."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "One Pint" was inaccurate. (Examination showed that the article was short of the declared volume.)

DISPOSITION: March 5, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18619. Adulteration of canned mashed bananas. U. S. v. 1,369 Cases * * *. (F. D. C. No. 32454. Sample No. 38006-L.)

LIBEL FILED: January 28, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1949, from Guantanamo, Cuba.

PRODUCT: 1,369 cases, each containing 6 6-pound, 8-ounce cans, of mashed bananas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 16, 1952. Default decree of condemnation and destruction.

18620. Misbranding of canned peaches. U. S. v. 96 Cases * * *. (F. D. C. No. 31681. Sample No. 1041-L.)

LIBEL FILED: September 14, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 7, 1951, by the Pomona Products Co., from Griffin, Ga.

PRODUCT: 96 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Jacksonville, Fla.

LABEL, IN PART: (Can) "Sunshine Brand Halves Yellow Free Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the requirements for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 4, 1951. The Pomona 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 Federal Security Agency.

18621. Misbranding of canned raspberries. U. S. v. 730 Cases * * *. (F. D. C. No. 22909. Sample No. 64944-H.)

LIBEL FILED: April 9, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about August 28, 1946, by Hunt Foods, Inc., from Puyallup, Wash.

PRODUCT: 730 cases, each containing 24 1-pound, 3-ounce cans, of red raspberries at Hartford, Conn.

LABEL, IN PART: (Can) "Hunt's Supreme Quality Fancy Red Raspberries Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of whole red raspberries and the label statement "Fancy Red Raspberries Heavy Syrup" were false and misleading as applied to the article, which was not of fancy quality but consisted essentially of disintegrated raspberry material mixed with heavy sirup. The article was alleged to be misbranded in interstate commerce.

DISPOSITION: May 12, 1949. Hunt Foods, Inc., having filed a claim as manufacturer of the product and having consented to the entry of a decree for the reasons mentioned in the libel, and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation was entered. The court ordered that the product be released under bond to be salvaged in such manner as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

On April 4, 1952, Hunt Foods, Inc., having advised that it had no interest in salvaging the product, and no other party having indicated an interest in the matter, an amended decree was entered providing for the destruction of the product.