

18678. Adulteration and misbranding of oysters. U. S. v. 119 Cans * * *
(F. D. C. No. 31924, Sample No. 11995-L.)

LABEL FILED: October 23, 1951, Southern District of Ohio.
ALLEGED SHIPMENT: On or about October 17, 1951, by McCready Bros., from Cape Charles, Va.

PRODUCT: 119 1-pint cans of oysters at Milford, Ohio.

LABEL, IN PART: (Cans) "Oysters * * * Standards and Oysters * * * Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects, since the regulations provide that such oysters are thoroughly drained, whereas they had not been thoroughly drained.

DISPOSITION: November, 30, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18679. Misbranding of canned cherries. U. S. v. 13 Cases * * * (F. D. C. No. 32551. Sample Nos. 30466-L, 30481-L.)

LABEL FILED: March 10, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about September 7, 1951, and February 20, 1952, by the Pacific Fruit & Produce Co., from Portland, Oreg.

PRODUCT: 13 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Kelso, Wash.

LABEL, IN PART: "Standby Red Cherries Pitted Tart."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a standard of identity has been prescribed by regulations; and the label failed to bear, as required by the regulations, the name of the optional cherry ingredient present, namely, "Red Tart" preceded or followed by the word "Pitted."

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 12, 1952. Default decree of condemnation and destruction.

DRIED FRUIT

18680. Adulteration of dried apricots. U. S. v. 200 Cases * * * (F. D. C. No. 28478. Sample No. 33180-K.)

LABEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 21, 1949, by the Warren Dried Fruit Co., from San Francisco, Calif.

PRODUCT: 200 25-pound cases of dried apricots at New York, N. Y.

LABEL, IN PART: "Blenheim Apricots."
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 rodent excreta.
DISPOSITION: January 12, 1950. Default decree of condemnation and destruction.

18681. Adulteration of prunes. U. S. v. 76 Cartons * * *. (F. D. C. No. 31958. Sample No. 38352-L.)

LABEL FILED: October 30, 1951, Southern District of New York.
ALLEGED SHIPMENT: During or about November 1950, from San Jose, Calif.
PRODUCT: 76 25-pound cartons of prunes 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 mold.
DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

18682. Adulteration of frozen strawberries. U. S. v. 59 Drums * * *. (F. D. C. No. 29291. Sample No. 84154-K.)

LABEL FILED: June 29, 1950, Southern District of Ohio.
ALLEGED SHIPMENT: On or about May 18, 1950, by the Hammond Packing & Cold Storage Co., from Hammond, La.
PRODUCT: 59 drums, each containing 450 pounds, of frozen strawberries at Cincinnati, Ohio.
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.
DISPOSITION: September 8, 1950. The Hammond Packing & Cold Storage Co., 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 reconditioning, under the supervision of the Federal Security Agency. The product was examined to segregate the unfit portion, and as a result of this operation, 51 drums of the product were found unfit. Attempts to recondition the unfit portion proved unsuccessful, and on July 10, 1952, the 51 drums were destroyed.

VEGETABLES

18683. Adulteration of canned corn. U. S. v. 367 Cases, etc. (F. D. C. No. 29271. Sample No. 76949-K.)

LABEL FILED: On or about June 20, 1950, Western District of Missouri.
ALLEGED SHIPMENT: On or about April 29, 1950, from Monticello, Iowa, for the Durbrow Bros. Canning Co., Cedar Rapids, Iowa.
PRODUCT: 723 cases, each containing 24 1-pound, 4-ounce cans, of corn at Joplin, Mo.
LABEL, IN PART: "Starlet Cream Style White Sweet Corn" or "Royal Cream Brand * * * Cream Style White Sweet Corn."