

**LABEL, IN PART:** "Hamilton Breaded Fantail Shrimp."  
**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 16, 1952. Default decree of condemnation. The court ordered that the product be delivered to a municipal institution, for use as hog feed.

**18974. Adulteration of canned shrimp. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 32694. Sample No. 22221-L.)**

**LABEL FILED:** February 29, 1952, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about January 18, 1951, by the Pelican Oyster & Fish Co., from New Orleans, La.

**PRODUCT:** 98 cases, each containing 24 5-ounce cans, of shrimp at Birmingham, Ala.

**LABEL, IN PART:** "Frostie Brand Medium Wet Pack Shrimp."

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

**DISPOSITION:** March 20, 1952. The shipper having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. 42 cases of the product were released to the claimant as fit for consumption and the remainder destroyed.

## FRUITS AND VEGETABLES\*

### CANNED FRUIT

**18975. Adulteration of canned cherries. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 33448. Sample No. 8711-L.)**

**LABEL FILED:** July 1, 1952, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 30, 1949, from Fruitvale, Calif.

**PRODUCT:** 44 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Altoona, Pa. Examination showed that the product was undergoing decomposition.

**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:** November 21, 1952. Default decree of condemnation and destruction.

**18976. Misbranding of canned peaches. U. S. v. 398 Cases \* \* \*. (F. D. C. No. 33042. Sample No. 41818-L.)**

**LABEL FILED:** April 17, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about March 11, 1952, by the Richmond-Chase Co., from Stockton, Calif.

\*See also No. 18952.

**PRODUCT:** 398 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Schenectady, N. Y.

**LABEL, IN PART:** "Van Curler Brand \* \* \* Halves Elberta Peaches In Extra Heavy Syrup \* \* \* Fancy Grade."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since it contained excessive peel and an excessive number of blemished peaches, and its label failed to bear the substandard legends; and, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional peach ingredient used, namely, yellow freestone.

Further misbranding, Section 403 (a), the label statement "Fancy Grade" was false and misleading since the product was below standard in quality.

**DISPOSITION:** June 19, 1952. The shipper, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

#### VEGETABLES

18977. Adulteration of dried red beans. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 33392. Sample No. 36234-L.)

**LIBEL FILED:** June 12, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 23, 1952, from North Kansas City, Mo.

**PRODUCT:** 10 100-pound bags of dried red beans at Cleveland, Ohio, in possession of the National Terminal Warehouse.

**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 pellets and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 25, 1952. Default decree of condemnation and destruction.

18978. Misbranding of fresh mushrooms. U. S. v. Caligiuri Brothers. Plea of guilty. Fine, \$100. (F. D. C. No. 32774. Sample Nos. 26231-L, 26662-L.)

**INFORMATION FILED:** April 22, 1952, against Caligiuri Brothers, a partnership, Avondale, Pa.

**ALLEGED SHIPMENT:** On or about December 6, 1951, and January 3, 1952, from the State of Pennsylvania into the State of New York.

**LABEL, IN PART:** (Baskets) "Medium Caligiuri Brothers Mushrooms 3 Lbs. 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 since the baskets contained less than the labeled "3 Lbs. Net."

**DISPOSITION:** May 15, 1952. A plea of guilty having been entered, the court imposed a fine of \$100.