

**DISPOSITION:** December 11, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

**19976. Adulteration of oysters. U. S. v. 304 Cans \* \* \*. (F. D. C. No. 34042. Sample No. 38992-L.)**

**LIBEL FILED:** October 27, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 20, 1952, by Lancaster Seafoods, Inc., from Morattico, Va.

**PRODUCT:** 304 pint cans of oysters at Zanesville, Ohio.

**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 product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** December 30, 1952. Default decree of destruction.

**19977. Adulteration of oysters. U. S. v. 160 Cans \* \* \*. (F. D. C. No. 33988. Sample Nos. 39224-L, 39225-L.)**

**LIBEL FILED:** October 2, 1952, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 29, 1952, by the Wilson Seafood Co., from Deal Island, Md.

**PRODUCT:** 160 pint cans of oysters in 1 barrel at Scranton, Pa.

**LABEL, IN PART:** "Delicious Oysters \* \* \* Standards [or "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 product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** December 10, 1952. Default decree of condemnation and destruction.

**19978. Adulteration of oysters. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 34264. Sample No. 66697-L.)**

**LIBEL FILED:** December 1, 1952, Western District of Oklahoma.

**ALLEGED SHIPMENT:** On or about November 25, 1952, by Robbins Bros., from Mauricetown, N. J.

**PRODUCT:** 1 barrel containing 84 pint cans of oysters at Oklahoma City, Okla.

**LABEL, IN PART:** "Oysters Selects Robbins Bros. Port Norris, N. J. \* \* \* Jersey's Best Brand Oysters."

**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 product so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** December 3, 1952. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

**19979. Misbranding of oysters. U. S. v. 144 Cans, etc. (F. D. C. No. 34244. Sample Nos. 4140-L, 39457-L.)**

**LIBEL FILED:** November 24, 1952, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 19 and 20, 1952, by M. F. Quinn, from Hampton, Va.

**PRODUCT:** 288 pint cans of oysters at Louisville, Ky.

**LABEL, IN PART:** "Plum Tree Island Brand One Pint Oysters Standards."

**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 label statement "One Pint" was inaccurate. (Examination showed that the product was short volume.)

**DISPOSITION:** November 24, 1952. Edward Distler, Louisville, Ky., 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 to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was dumped into a bulk container for bulk sale over the counter to retail customers.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19980. Misbranding of canned cherries. U. S. v. 299 Cases \* \* \*. (F. D. C. No. 33878. Sample No. 30720-L.)**

**LIBEL FILED:** September 24, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 25, 1952, by the Paulus Bros. Packing Co., from Salem, Oreg.

**PRODUCT:** 299 cases, each containing 24 1-pound, 14-ounce cans, of cherries at New York, N. Y.

**LABEL, IN PART:** "Grisdale Dark Sweet Pitted Bing Cherries In Extra Heavy Syrup Gristede Bros., Inc., Distributors, New York, N. Y."

**NATURE OF CHARGE:** 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:** January 26, 1953. The shipper, 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 to be relabeled under the supervision of the Federal Security Agency.

**19981. Misbranding of canned cherries. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 34230. Sample No. 40728-L.)**

**LIBEL FILED:** November 19, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 23, 1949, by the Fruitland Packing Co., from Shelby, Mich.

**PRODUCT:** 59 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Tacoma, Wash.

**LABEL, IN PART:** "Steen Brand \* \* \* Extra Heavy Syrup Red Sour Pitted Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned pitted cherries, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium