

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

present since the label bore the statement "Extra Heavy Syrup" and the product was packed in heavy sirup.

DISPOSITION: December 9, 1952. The Standard Grocery Co., Tacoma, Wash., 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.

19982. Misbranding of canned peaches. U. S. v. 914 Cases * * * (F. D. C. No. 33955. Sample No. 14968-L.)

LIBEL FILED: October 24, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 8, 1952, by the Smeltzer Orchard Co., from Beulah, Mich.

PRODUCT: 914 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Kansas City, Mo.

LABEL, IN PART: "Smeltzer Orchard Brand Yellow Freestone Halves Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, 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, as prescribed by the regulations, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup" and the article was packed in light sirup. Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches in that the weight of some of the peach units was less than $\frac{3}{8}$ ounce; the weight of the largest unit in the container was more than twice the weight of the smallest unit; and all of the units were not trimmed or so trimmed as to preserve their normal shape, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: December 2, 1952. 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.

VEGETABLES

19983. Adulteration of canned corn. U. S. v. 925 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 34191, 34192. Sample Nos. 53794-L, 53795-L.)

LIBELS FILED: November 3, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 19 and 24, 1952, by Thomas Roberts & Co., from Hillsboro, Md.

PRODUCT: 2,419 cases, each containing 6 6-pound, 10-ounce cans, of corn at St. Louis, Mo.

LABEL, IN PART: "Pride of the Farm Brand Cream Style Golden Sugar Corn."

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 worms and worm fragments.

DISPOSITION: February 5, 1953. Default decrees of condemnation. The court ordered that the product be sold to the highest bidder for use other than for human consumption.