

decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 9, 1953. Default decree of condemnation and destruction.

20877. Misbranding of frozen breaded shrimp. U. S. v. 49 Cases * * *.
(F. D. C. No. 35487. Sample No. 58882-L.)

LIBEL FILED: September 15, 1953, Western District of Michigan.

ALLEGED SHIPMENT: On or about May 22, 1953, by Brunswick Enterprises, Inc., or Jekyll Island Packing Co., Inc., from Brunswick, Ga.

PRODUCT: 49 cases, each containing 12 cartons, of frozen breaded shrimp at Grand Rapids, Mich.

LABEL, IN PART: (Carton) "Net Weight 10 Oz. Jekyll Island Brand Fresh Frozen Breaded Fantail Shrimp Jekyll Island Packing Co. Inc., Brunswick, Georgia Packing & Freezing Supervised by U. S. Food & Drug Administration."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Packing & Freezing Supervised by U. S. Food & Drug Administration" was false and misleading as applied to an article which had not been subject to such supervision.

DISPOSITION: October 16, 1953. Frank Phillips, Grand Rapids, Mich., 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 Department of Health, Education, and Welfare.

FRUITS AND VEGETABLES

CANNED FRUIT

20878. Misbranding of canned peaches. U. S. v. 24 Cases * * *. (F. D. C. No. 35221. Sample No. 27488-L.)

LIBEL FILED: April 30, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 8, 1953, by the Fair View Packing Co., from Hollister, Calif.

PRODUCT: 24 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Sliced Yellow Cling Peaches In Heavy Syrup Castle Garden."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since all peach units of the article did not meet the test for tenderness as prescribed by the standard and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: August 6, 1953. The M. D. Kremgold Co., Boston, Mass., and the Fair View Packing Co. having filed a joint answer and later consented to the entry of a default 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.