1573. Adulteration and misbranding of tuna fish. U. S. v. 9 Cases of Tuna Fish. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3184. Sample No. 34485–E.)

This product when shipped was labeled "Fancy Tuna Fish * * * Product of British North Borneo," and at the time of examination was labeled "Martel Brand * * * White Meat Fancy Deluxe Tuna Fish * * * Albacore." It was yellow-fin or some similar species of tuna, and not albacore or white meat tuna.

On October 11, 1940, the United States attorney for the Southern District of New York filed a libel against 9 cases of tuna fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 7, 1940, from Tawan, British North Borneo; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that light meat tuna had been substituted wholly or in part for white meat tuna or albacore, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Fancy Deluxe Tuna Fish * * * Albacore" was false and misleading since the article was not white meat tuna or albacore, and in that it was offered for sale under the name of another food.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

FROZEN FISH

1574. Misbranding of frozen fish. U. S. v. Lakeside Fish & Oyster Co. Plea of guilty. Fine, $100. (F. D. C. No. 2119. Sample No. 16440–E.)

This product was pollock and not haddock fillets as represented on the label.

On November 6, 1940, the United States attorney for the Northern District of Illinois filed an information against the Lakeside Fish & Oyster Co., a corporation, Chicago, Ill., alleging shipment on or about April 16, 1940, from the State of Illinois into the State of Nebraska of a quantity of frozen fish that was misbranded. The article was labeled in part: "Had Filets" or "Had fillets."

The article was alleged to be misbranded in that the statements "Had Filets" and "Had Fillets," borne on the tags, were false and misleading in that they represented that it consisted of haddock fillets; whereas it consisted of pollock fillets.

It was alleged to be misbranded further in that it was pollock, and was offered for sale under the name of another food, namely, haddock.

On April 9, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

1575. Adulteration of frozen haddock. U. S. v. 13 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3413. Sample No. 34583–E.)

Examination of this product showed the presence of decomposed fish.

On or about November 22, 1940, the United States attorney for the Southern District of New York filed a libel against 13 boxes of haddock fillets at New York, N. Y., alleging that the article had been shipped by Coleman Son Co. from Boston, Mass., on or about November 8, 1940; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Northeast Brand Haddock Fillets."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1576. Adulteration of frozen haddock fillets. U. S. v. 300 Cases and 401 Cases of Frozen Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 2305. Sample No. 4651–E.)

This product was in whole or in part decomposed.

On July 5, 1940, the United States attorney for the Western District of Michigan filed a libel against 701 cases of frozen haddock fillets at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about June 17, 1940, by the Great Atlantic & Pacific Tea Co., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

The article was labeled in part: "Produced by Gloucester Fresh Fish Co., Frosted Seafoods, Boston, Mass., Northeast Hadd Fillets."

On August 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.