

1750. Adulteration of canned salmon. U. S. v. 238 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3762. Sample No. 46460-E.)

Examination of this product showed the presence of decomposed salmon.

On February 5, 1941, the United States attorney for the Eastern District of New York filed a libel against 238 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by Taylor Edwards Warehouse & Transfer Co. from Seattle, Wash.; 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: (Cans) "North View Brand Pink Alaska Salmon."

On February 27, 1941, Andrew S. Day, trading as North Pacific Sea Foods Co., Valdez, Alaska, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sorted according to codes, that the codes containing good fish be separated from those containing decomposed fish and that the latter be destroyed or sorted further in order to salvage any good portions, and that any good fish so salvaged be relabeled "Reprocessed." It was provided further that any rejected fish might be disposed of for animal or fish food in lieu of destruction.

1751. Misbranding of canned salmon. U. S. v. 62 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3593. Sample No. 46035-E.)

This product was unlabeled when shipped in interstate commerce and invoiced as coho salmon, but subsequent to such shipment, it had been labeled to indicate that it was red salmon.

On December 26, 1940, the United States attorney for the Eastern District of New York filed a libel against 62 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce by C. F. Buelow Co., Inc., from Seattle, Wash.; and charging that it had been shipped unlabeled, invoiced as coho salmon, and labeled by the consignee, and that as so labeled it was misbranded. The label read in part: "Brookline Brand Medium Red Alaska Salmon The Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." The words "Red Alaska Salmon" appeared prominently, while the word "Medium" was inconspicuously stamped on the design of a fish.

The article was alleged to be misbranded in that the prominent statement "Red Alaska Salmon" was false and misleading as applied to coho salmon, and this misleading impression was not corrected by the relatively inconspicuous word "Medium." It was alleged to be misbranded further in that the firm name "Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." was false and misleading, since that firm was not a manufacturer, packer, or distributor. It was alleged to be misbranded further in that it was in package form and failed to bear the name and place of business of the manufacturer, packer, or distributor.

On March 4, 1941, the Sweet Life Food Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to show that it was medium red, or coho, salmon and to comply with other labeling requirements of the law.

1752. Adulteration and misbranding of tuna fish. U. S. v. 86½ Cases of Tuna Fish. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3660. Sample No. 33005-E.)

This product was not white meat tuna as labeled, but was a yellow-fin tuna or a similar species having light brown or tan-colored flesh.

On January 14, 1941, the United States attorney for the District of New Jersey filed a libel against 86½ cases of tuna fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1940, by Steinhardt & Nordlinger from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Filigree White Meat Tuna Fish Filigree Quality Foods, Inc. Newark, New Jersey Distributors."

The article was alleged to be adulterated in that a substance, yellow-fin tuna or a similar species other than that known as white meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be. It was alleged to be misbranded in that the statement "White Meat Tuna" was false

and misleading, since it was not white meat tuna; and in that it was offered for sale under the name of another food.

On February 21, 1941, Filigree Quality Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled so that it comply with the requirements of the law.

FROZEN FISH

1753. Adulteration of pike filets. U. S. v. 39 Cartons of Pike Filets. Consent decree of condemnation and destruction. (F. D. C. No. 3755. Sample No. 47191-E.)

Examination of this product showed the presence of decomposed fish.

On February 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 39 cartons of pike filets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 5, 1940, by Cloverdale Products from Mandan, N. Dak.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cartons) "Armstrong Fancipak Filets Winnipeg Canada * * * Pike."

On February 14, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1754. Adulteration of pollock filets. U. S. v. 241 Boxes of Pollock Filets. Default decree of destruction. (F. D. C. No. 3304. Sample No. 27458-E.)

This product was in whole or in part decomposed.

On or about November 4, 1940, the United States attorney for the Southern District of Ohio filed a libel against 241 boxes of pollock filets at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about September 17, 1940, by Gorton-Pew Fisheries, Ltd., from Gloucester, Mass.; 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: "Cape Anne Brand Pollock Filets."

On May 21, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

1755. Adulteration of frozen scrod. U. S. v. 108 Boxes and 174 Boxes of Scrod Filets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 3320, 3321. Sample Nos. 28529-E, 28532-E, 28534-E, 28535-E.)

Examination of this product showed the presence of decomposed fish.

On November 2, 1940, the United States attorney for the Eastern District of Virginia filed libels against 108 boxes of scrod at Norfolk, Va., and 174 boxes at Portsmouth, Va., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Bay Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Produced By Gloucester Fresh Fish Co. * * * Northeast Scrod Filets."

On November 25, 1940, the Bay Fish Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration.

1756. Adulteration of frozen tullibeas. U. S. v. 195 Boxes of Frozen Tullibeas. Default decree of condemnation and destruction. (F. D. C. No. 3689. Sample Nos. 31551-E to 31555-E, incl.)

Examination of this product showed that it contained putrid fish and fish containing parasitic worms.

On January 17, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 195 boxes of tullibeas at Detroit, Mich., alleging that the article had been shipped in interstate commerce within the period from on or about December 31, 1940, to on or about January 7, 1941, by J. Kozloff from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Product of Canada Dr Tullibeas."

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.