

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.

## FRUITS AND VEGETABLES

## FRESH FRUITS AND VEGETABLES

**1757. Adulteration of blueberries. U. S. v. 155 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2804. Sample Nos. 33883-E to 33886-E, incl.)**

This product contained insect larvae.

On September 14, 1940, the United States attorney for the District of New Jersey filed a libel against 155 crates of blueberries at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 5, 13, and 16, 1940, from Hazleton, Pa., to Brooklyn, N. Y., and on or about August 23, 1940, from Brooklyn, N. Y., to Jersey City, N. J., by Paul La Buda; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1758. Misbranding of potatoes. U. S. v. 121 Sacks of Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 3795. Sample No. 32687-E.)**

This product was below the grade stated on the label because of excessive grade defects.

On February 7, 1941, the United States attorney for the Southern District of California filed a libel against 121 sacks of potatoes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by John Shehady from Mason, Nev.; and charging that it was misbranded in that the statement "U. S. No. 1" was false and misleading since it was incorrect. The article was labeled in part: "U. S. No. 1 Golden West Brand Russets."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED FRUITS AND VEGETABLES .

**1759. Misbranding of canned cherries. U. S. v. 42 and 28 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3933. Sample Nos. 53008-E, 53009-E.)**

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard. A portion was also short of the declared weight.

On March 7, 1941, the United States attorney for the District of Arizona filed a libel against a total of 70 cases of canned cherries at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by the Consumers Wholesale Grocery from Springville, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Spring Kist Eddington Red Sour Pitted Cherries in water Contents 6 Lb. 7 Oz. [or "1 Lb. 7 Oz.]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard. A portion was alleged to be misbranded further in that the statement on the label, "Contents 1 Lb. 7 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1760. Misbranding of canned pitted cherries. U. S. v. 71 Cases of Canned Pitted Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling or repacking. (F. D. C. No. 3499. Sample No. 44063-E.)**

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On December 23, 1940, the United States attorney for the District of Wyoming filed a libel against 71 cases of canned sour pitted cherries at Rock Spring, Wyo., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Varney Canning Co. from Roy, Utah; and charging