

pound boxes of fish fillets at Chicago, Ill., and 245 10-pound boxes of red perch fillets at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about April 2 and 6, 1942, by Slade Gorton Co. from Boston, Mass.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Fish Fillets [or "Red Perch Fillets * * * "] T & J Busalacchi Inc. Boston Mass."

On June 10 and August 6, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

3521. Adulteration of frozen perch fillets. U. S. v. 200 Boxes of Fillets. Default decree of condemnation and destruction. (F. D. C. No. 7571. Sample No. 64887-E.)

Examination showed that this product was infested with parasites.

On May 28, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 200 10-pound boxes of red perch fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by the Frank Ellsworth Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "T. & J. Busalacchi Inc. Boston Mass. Fish Fillets Deep Sea Brand Red Perch Fillets."

On June 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

3522. Misbranding of canned salmon. U. S. v. 135 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6322. Sample No. 58659-E.)

This product was deceptively packaged. Furthermore, it was labeled to indicate that it was red salmon; whereas it was not red salmon, but was king salmon.

On December 2, 1942, the United States attorney for the District of Minnesota filed a libel against 135 cases, each containing 48 15-ounce cans, of salmon at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 26, 1941, by Wm. W. McBride Co. from Seattle, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Farbest Select Salmon Natural Red Color and Oil * * * Packed * * * For Farwest Fisheries Inc. Seattle."

The article was alleged to be misbranded (1) in that the label statement, "Select Salmon Natural Red Color and Oil," and the design of a cut salmon on a plate, showing a red color on the exposed surface of the meat, implying that the article was a species of salmon known as red salmon, were false and misleading as applied to king salmon, a different species; and (2) in that its container was so filled as to be misleading since the fill of the cans averaged only 87.7 percent, whereas properly filled cans of salmon should be over 90 percent filled.

On January 29, 1942, Whitney & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3523. Adulteration and misbranding of canned sardines. U. S. v. 23 Cases, 249 Cases, 224 Cases, and 165 Cases of Canned Sardines. Consent decrees of condemnation. Product released under bond to be relabeled. (F. D. C. Nos. 5434, 5597, 5888, 5938. Sample Nos. 62273-E, 69596-E, 69601-E, 75512-E.)

On August 25, September 2 and 30, and October 7, 1941, the United States attorneys for the Southern and Eastern Districts of New York, District of Massachusetts, and the Northern District of Illinois filed libels against the following quantities of canned sardines—23 cases each containing 100 3¼-ounce cans at New York, N. Y.; 249 cases each containing 100 3¼-ounce cans at Brooklyn, N. Y.; 224 cases each containing 100 3½-ounce cans at Somerville, Mass.; and 165 cases each containing 100 3¼-ounce cans at Chicago, Ill., alleging that the article had been shipped on or about July 4 and 25 and August 15, 1941, by the Addison Packing Co. from Ellsworth, Maine; and charging that it was adulterated and misbranded. It was labeled in part: "Surfman Brand Selected Maine Sardines in Pure Olive Oil"; or "Farm House Brand American Sardines Reid Murdoch & Co. Distributors Chicago."

The article was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom. A portion of the article was alleged to be adulterated in that sardines in an oil other than olive oil had