

at Boston, Mass. alleging shipment on or about May 6 and May 23, 1941, from the State of Massachusetts into the State of Illinois of quantities of fish that was adulterated in that it consisted in whole or in part of a filthy substance.

On December 15, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25 on each of 2 counts, making a total of \$50.

4388. Adulteration of frozen fish. U. S. v. 41,248 Pounds of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. Nos. 8937, 8938. Sample Nos. 18421-F, 18869-F to 18871-F, incl.)

On December 1, 1942, the United States attorney for the Southern District of New York filed a libel against 41,248 pounds of frozen fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1942, by the M. Gonsalves Fish Co. from Provincetown, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4389. Adulteration of frozen fish fillets. U. S. v. 31 Boxes of Frozen Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 8507. Sample Nos. 18061-F, 18065-F.)

Examination of this product showed the presence of decomposed fillets.

On October 5, 1942, the United States attorney for the District of New Jersey filed a libel against 31 15-pound boxes of fish fillets at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by Golden, Mandelbaum & Miller, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4390. Adulteration and misbranding of fish fillets. U. S. v. 2,146 Boxes of Frozen Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 8580. Sample Nos. 18067-F, 18068-F, 18071-F to 18077-F, incl., 18079-F, 18080-F, 18861-F, 18862-F.)

Examination of this product showed the presence of decomposed fish. A portion was short weight.

On October 16, 1942, the United States attorney for the Southern District of New York filed a libel against 337 10-pound boxes, 1,648 boxes, each containing 2 5-pound cartons, and 161 boxes, each containing 5 5-pound cartons, of frozen fillets at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to on or about August 16, 1942, by the Finest Fillet Co. from Groton, Conn.; and charging that it was adulterated and misbranded. The article was labeled in part: "National Frosted Foods Inc. Certified Quality Flounder Fillets 5 lbs. * * * National Frosted Foods Sales Corp. New York, N. Y., Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

A portion was alleged to be misbranded in that it was a food in package form and its label failed to bear an accurate statement of the quantity of its contents.

On November 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4391. Adulteration of frozen flounders. U. S. v. 48 Boxes of Frozen Flounders. Default decree of condemnation and destruction. (F. D. C. No. 8672. Sample No. 18866-F.)

On October 31, 1942, the United States attorney for the Northern District of New York filed a libel against 48 100-pound boxes of frozen fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by the Finest Fillet Co., from Groton, Conn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4392. Adulteration of frozen whiting. U. S. v. 22,429 Pounds of Frozen Fish. Default decree of condemnation and sale. (F. D. C. No. 8698. Sample No. 8405-F.)

On November 4, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 22,429 pounds of frozen whiting at St. Louis, Mo.,

alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the Cassius Hunt Co., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that such safeguards be adopted to prevent its use in violation of the law as directed by the Federal Security Agency.

FRUITS AND VEGETABLES

FRESH FRUIT

4393. Adulteration of apples. U. S. v. 405 Bushels of Apples. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 8510. Sample No. 5820-F.)

These apples bore spray residue containing arsenic and lead.

On September 2, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 405 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about August 21 to on or about August 25, 1942, by Nugent & Schapanski from Grafton, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious substances which might render it injurious to health.

On November 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to a charitable institution on condition that precautions be taken as directed by the Food and Drug Administration, to prevent the use of the apples in violation of the law.

4394. Adulteration of apples. U. S. v. 78 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 8623. Sample Nos. 2156-F, 3131-F.)

These apples bore spray residue containing lead.

On October 8, 1942, the United States attorney for the District of Nebraska filed a libel against 78 bushels of apples at Omaha, Neb., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by the Continental Fruit Exchange (Phil Siporin, partner) from Coloma, Mich.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, namely lead, which might have rendered it injurious to health. The article was labeled in part: "Jonathans * * * Herman Molter R-1, Coloma, Mich."

On November 5, 1942, the Continental Fruit Exchange having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4395. Adulteration of huckleberries. U. S. v. 25 Crates, 19 Crates, and 12 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 8708, 8709. Sample Nos. 24139-F, 24141-F, 24142-F.)

On November 4, 1942, the United States attorney for the District of Columbia filed libels against 56 crates, each containing 24 quart cups, of huckleberries at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia at the Terminal Refrigerating & Warehousing Corp., stored to the account of the Crusty Pie Co., Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, maggots.

On December 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FROZEN FRUIT

4396. Adulteration of frozen strawberries. U. S. v. 20 Barrels of Frozen Strawberries. Consent decree of condemnation and destruction. (F. D. C. No. 8442, 8500. Sample No. 15296-F, 19749-F.)

This product contained mouldy berries.

On September 28 and October 6, 1942, the United States attorneys for the Districts of Colorado and Massachusetts filed libels against 10 barrels of frozen strawberries at Denver, Colo., and 10 barrels of frozen strawberries at Boston, Mass., which had been consigned by the S. A. Moffett Co., alleging that the article had been shipped in interstate commerce on or about July 22 and 24, 1942, from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.