

Misbranding, Section 403 (a), the label statement "18% Butterfat" was false and misleading since the product contained less than 18 percent butterfat; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than 10 fluid ounces, the volume declared on the label.

DISPOSITION: January 13, 1950. Dairy Dream Farms, Inc., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

15624. Adulteration and misbranding of frozen haddock fillets. U. S. v. Jacob H. Cherry (Neptune Packing Co.). Plea of guilty. Defendant fined \$150 and placed on probation for 2 years. (F. D. C. No. 23590. Sample Nos. 60570-H, 74585-H, 91285-H.)

INFORMATION FILED: October 14, 1947, District of New Jersey, against Jacob H. Cherry, manager of the Neptune Packing Co., Atlantic City, N. J.

ALLEGED SHIPMENT: Between the approximate dates of February 27 and April 2, 1947, from the State of New Jersey into the States of Pennsylvania, Massachusetts, and Connecticut.

LABEL, IN PART: "Frosted Seafoods Neptune Fillet Haddock."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), frozen hake fillets had been substituted in whole or in part for frozen haddock fillets.

Misbranding, Section 403 (a), the label statement "Fillet Haddock" was false and misleading since the statement represented and suggested that the article consisted of fillet haddock, whereas the article consisted of fillet hake.

DISPOSITION: March 12, 1948. A plea of guilty having been entered, the court fined the defendant \$150 and placed him on probation for two years. The court provided that the fine should be paid at the rate of \$25 per month, and that as soon as it was paid, the period of probation would end.

15625. Misbranding of canned salmon. U. S. v. United Food Specialty Co. and Morris Friedman. Pleas of guilty. Joint fine of \$5,000. (F. D. C. No. 24245. Sample Nos. 66763-H, 66765-H, 66768-H, 69789-H.)

INDICTMENT RETURNED: April 27, 1948, Eastern District of Michigan, against the United Food Specialty Co., a partnership, Detroit, Mich., and Morris Friedman, a partner.

ALLEGED SHIPMENT: On or about November 18, 1946, and April 14, 16, and 23, and May 5, 1947, from the State of Michigan into the States of Illinois and New York.

NATURE OF CHARGE: Misbranding, Section 403 (a), (portion) the statements "Columbia River * * * Chinook Salmon" and "Bumble Bee Brand * * * Packed By Columbia River Packers Assn., Inc., Astoria, Oregon," borne on the label, were false and misleading since the product was not Chinook salmon but was red salmon; and it was not Bumble Bee Brand salmon, and it was not packed by the Columbia River Packers Assn., Inc. Further misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 403 (a), (remainder) the label statement "Chinook Salmon" was false and misleading since the product was red salmon.