

17326. Misbranding of frozen perch fillets. U. S. v. 80 Cases * * *. (F. D. C. No. 27935. Sample No. 36871-K.)

LIBEL FILED: October 21, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 14, 1949, by the Yaquina Bay Fish Co., from Newport, Oreg.

PRODUCT: 80 cases, each containing 6 5-pound packages, of frozen perch fillets at Seattle, Wash.

LABEL, IN PART: "Newport Brand Ocean Perch Fillets."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Ocean Perch" was false and misleading as applied to an article consisting of rockfish.

DISPOSITION: On December 2, 1949, the Yaquina Bay Fish Co., claimant, filed an answer to the libel, denying that the product was misbranded. On December 29, 1949, the Government filed a motion to strike claimant's answer, which motion was denied on March 20, 1950. On June 22, 1951, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration. The relabeling was to include, specifically, the use of the name "Pacific Ocean Perch."

17327. Adulteration of canned salmon. U. S. v. 49 Cases * * *. (F. D. C. No. 30505. Sample No. 13054-L.)

LIBEL FILED: January 31, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about November 15, 1950, from Seattle, Wash.

PRODUCT: 49 cases, each containing 48 7½-ounce cans, of salmon at Denver, Colo. This product was undergoing progressive spoilage.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 16, 1951. The Dungeness Sales Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit, under the supervision of the Food and Drug Administration. Of the 45 cases and 17 cans of the product which were seized, 4 cases and 7 cans were destroyed and the remainder was released as good.

17328. Adulteration of canned minced clams. U. S. v. 127 Cases * * *. (F. D. C. No. 30691. Sample No. 12870-L.)

LIBEL FILED: March 20, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about October 30, 1950, by G. P. Halferty & Co., from Seattle, Wash.

PRODUCT: 127 cases, each containing 48 7-ounce cans, of minced clams at Denver, Colo. Examination of the product showed the presence of excessive packing medium.

LABEL, IN PART: "Pioneer Brand Minced Sea Clams."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

DISPOSITION: On April 5, 1951, G. P. Halferty & Co. having moved that a certain code consisting of 29⁴²/₄₈ cases be released, alleging that the product therein was full pack, and no objection having been made thereto by the Government, the court ordered that the said code be delivered to the claimant. On May 17, 1951, the claimant having consented to the entry of a decree with respect to the remainder of the product, judgment of condemnation was entered and it was ordered that 73³³/₄₈ cases of the product be released under bond for re-labeling and that the remaining 19¹⁹/₄₈ cases, which examination had shown were full pack, be released.

17329. Adulteration and misbranding of oysters. U. S. v. 17 Boxes * * *
(F. D. C. No. 30678. Sample No. 10777-L.)

LABEL FILED: March 1, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about February 17, 1951, by W. F. Morgan & Son, from Weems, Va.

PRODUCT: 17 boxes, each containing 96 1-pint cans, of oysters at Indianapolis, Ind.

LABEL, IN PART: "Booth Fresh Atlantic Coast Oysters—Standards VA 92."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added, mixed, and packed with the product so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as oysters, and it failed to conform to the definition and standard of identity for oysters since it was not thoroughly drained, as required by the standard.

DISPOSITION: April 26, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

17330. Adulteration of canned sliced apples. U. S. v. 165 Cases * * *
(F. D. C. No. 30689. Sample No. 28268-L.)

LABEL FILED: March 13, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about October 18, 1950, from Brigham City, Utah.

PRODUCT: 165 cases, each containing 6 5-pound, 15-ounce cans, of sliced apples at Sacramento, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 11, 1951. Default decree of condemnation and destruction.

17331. Adulteration of canned prunes. U. S. v. 536 Cases * * * (F. D. C. No. 30731. Sample Nos. 18766-L, 19134-L.)

LABEL FILED: March 30, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 11, 1950, by J. C. Tracy & Co., from Dallas, Oreg.