

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed fish.

DISPOSITION: April 5, 1951. Cal-Cap Fisheries, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation of the fit portion from the unfit, under the supervision of the Federal Security Agency. Segregation resulted in the release of 281 cases and 31 cans of mackerel and 284 cases and 21 cans of sardines as fit. The unfit portions of both products were destroyed.

17466. Misbranding of canned tuna. U. S. v. 16 Cases * * *. (F. D. C. No. 30826. Sample No. 3856-L.)

LIBEL FILED: On or about February 13, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 10, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 16 cases, each containing 24 cans, of tuna at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Solid Pack Light Meat Tuna Contents 13½ Oz. Avd."

NATURE OF CHARGE: Misbranding, 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 the declared weight.

DISPOSITION: June 9, 1951. Default decree of condemnation. The court ordered that the product be released to charitable institutions.

17467. Adulteration and misbranding of canned herring roe and canned herring roe blended with cod and yellowtail roe. U. S. v. 15 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 30878, 30879. Sample Nos. 3335-L, 3336-L.)

LIBELS FILED: On or about March 28, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 5, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 15 cases, each containing 24 15-ounce cans, of a product represented to be herring roe at Dundalk, Md.; and 9 cases, each containing 48 cans, a portion of which was represented to be herring roe and another portion represented to be herring roe blended with cod and yellowtail roe at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, herring roe, had been in part omitted; and, Section 402 (b) (2), roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label statements "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe" were false and misleading as applied to articles which contained no herring roe.

DISPOSITION: June 9, 1951. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions, for human consumption and not for sale.