

29664. Frozen pollock fillets. (F.D.C. No. 48919. S. No. 18-299 V.)

INDICTMENT RETURNED: 9-10-63, S. Dist. Tex., against Magnolia Seafood Co., Inc., Houston, Tex., and Joe Genitempo, Sr.

ALLEGED VIOLATION: While a quantity of pollock fillets were being held for sale at Houston, Tex., after shipment in interstate commerce, the defendants caused the article to be offered for sale and sold as cod fillets, which act caused the article to be adulterated and misbranded.

LABEL IN PART: (Cases) "Cod Magnolia Seafood Co. Houston, Texas."

CHARGE: 402(b)(2)—while held for sale, pollock fillets had been substituted for cod fillets; 403(a)—the statement "cod" on the case labels was false and misleading in that the statement represented and suggested that the article was cod, whereas, it was pollock fillets, 403(b)—the article was offered for sale under the name of another food, namely, cod fillets; and 403(i)(1)—the label of the article failed to bear the common or usual name of the food, namely, pollock fillets.

PLEA: Guilty.

DISPOSITION: 11-1-63. Corporation—\$2,000 fine; individual—\$1,000 fine.

29665. Fresh shad roe. (F.D.C. No. 50097. S. No. 62-941 A.)

QUANTITY: Approximately 100 lbs. in unlabeled 25-lb. tin containers, at Beverly Hills, Calif.

SHIPPED: 4-29-64, from New York, N.Y., by Regal Lobster Co.

LIBELED: 5-19-64, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed shad roe when shipped.

DISPOSITION: 6-16-64. Default—destruction.

29666. Canned tuna. (F.D.C. No. 49664. S. No. 13-793 X.)

QUANTITY: 149 bundles of 2 ctns., each containing 4-lb. 2½-oz. cans, at Chicago, Ill.

SHIPPED: 7-15-63, from New York, N.Y.

LIBELED: 12-31-63, N. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 2-24-64. Consent—claimed by C. F. Emling Co., Chicago, Ill. Segregated; 104 cans destroyed.

29667. Frozen smelt. (F.D.C. No. 49815. S. No. 49-842 A.)

QUANTITY: 100 ctns., each containing 10 5-lb. boxes, at Detroit, Mich.

SHIPPED: 9-14-62, from Erieau, Canada, by Pejay Packing Co., Ltd.

LABEL IN PART: (Ctn.) "Dressed Smelt Frozen * * * Packed by Pejay Packing Company, Ltd. Erieau, Ontario."

LIBELED: 2-25-64, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 7-23-64. Consent—claimed by J. Kozloff Fish Distributors, Inc., Detroit, Mich., for export to shipper.

29668. Frozen trout. (F.D.C. No. 50211. S. No. 44-064 A.)

QUANTITY: 15 cases, each containing 105-lb. ctns., at Denver, Colo.

SHIPPED: 2-29-64, from Wendell, Idaho, by Rim View Trout Co., Inc.