

14403. Adulteration and misbranding of canned salmon. U. S. v. J. Lowery Harrison (Kent Packing Co.), Meyer L. Kanner, and Harry Hershenstein. Pleas of guilty. J. Lowery Harrison fined \$50 and costs and Meyer L. Kanner and Harry Hershenstein each fined \$100 and costs. (F. D. C. No. 24255. Sample Nos. 66771-H, 66773-H, 66774-H.)

INFORMATION FILED: August 24, 1948, District of Maryland, against J. Lowery Harrison, trading as the Kent Packing Co., Rock Hall, Md., and Meyer L. Kanner and Harry Hershenstein, New York, N. Y.

ALLEGED SHIPMENT: On or about July 19 and August 2, 1947, from the State of Maryland into the State of New York.

LABEL, IN PART: "Jo-Mey Pink [or "Red"] Salmon Food Marketers Distributors New York, N. Y."

NATURE OF CHARGE: Section 402 (b) (2), species of salmon other than pink salmon had been substituted for pink salmon in one of the shipments, and a species of salmon other than red salmon had been substituted for red salmon in the second shipment; and, Section 402 (a) (3), the product in the third shipment consisted in part of a decomposed substance by reason of the presence of decomposed salmon.

Misbranding, Section 403 (a), the statements "Pink Salmon" and "Red Salmon" on the labels of the product in two of the shipments were false and misleading.

DISPOSITION: December 3, 1948. J. Lowery Harrison entered a plea of guilty and was fined \$50 and costs. Meyer L. Kanner entered a plea of guilty and was fined \$100 and costs. Harry Hershenstein entered a plea of guilty to all counts, with the exception of count 3 charging the shipment in interstate commerce of decomposed salmon; count 3 was nolle prossed and he was fined \$100 and costs.

14404. Adulteration and misbranding of canned sardines. U. S. v. 845 Cases \* \* \* (and 4 other seizure actions). (F. D. C. Nos. 25163, 25164, 25560, 26024, 26031. Sample Nos. 4899-K, 4908-K, 5580-K, 8909-K, 9855-K, 10944-K.)

LABELS FILED: August 5, September 7, and November 9 and 12, 1948, Eastern and Southern Districts of New York, District of Massachusetts, and District of Connecticut; amended libel filed August 16, 1948, in the Eastern District of New York.

ALLEGED SHIPMENT: On or about April 8, 19, 26, and 30, 1948, from San Francisco and Alameda, Calif., by the Romeo Packing Co.

PRODUCT: Canned sardines. 845 cases at Brooklyn, N. Y.; 588 cases at New York, N. Y.; 34 cases at Boston, Mass., and 147 cans at Brockton, Mass.; and 12 cases at Waterbury, Conn. Each case contained 48 15-ounce cans.

LABEL, IN PART: "Valco California Sardines In Tomato Sauce" or "Allied Brand California Sardines In Tomato Sauce \* \* \* Packed for Allied Produce Company, San Francisco, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Brooklyn and the New York lots of the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed herring, and the other lots of the product were unfit for food by reason of a disagreeable metallic taste; and, Section 402 (b) (2), herring in a thin, watery packing medium

had been substituted in whole or in part for sardines in tomato sauce, in the case of the Brooklyn and New York lots.

Misbranding, Section 403 (a), the designation "California Sardines In Tomato Sauce" on the label of the Brooklyn and New York lots of the product was false and misleading as applied to an article consisting of herring in a thin watery packing medium, and the name "California Sardines" on the label of the other lots was false and misleading as applied to an article consisting of sea herring.

DISPOSITION: August 27, October 1, and November 15, 1948, and January 5 and April 4, 1949. Default decrees of condemnation and destruction.

14405. Adulteration and misbranding of canned sardines. U. S. v. 33 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25447, 25691, 25736. Sample Nos. 15553-K, 23770-K, 23428-K.)

LABELS FILED: September 8 and October 5 and 22, 1948, Eastern District of Michigan and Southern and Eastern Districts of Texas.

ALLEGED SHIPMENT: On or about June 23, July 24, and August 2, 1948, by the Harris-Cove Packing Co., from Eastport, Maine.

PRODUCT: 687 cases, each containing 48 cans, of sardines at Detroit, Mich., and Houston and Beaumont, Tex.

LABEL, IN PART: "Arctic Brand Sardines In Tomato Sauce Net Wt. 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), large sea herring had been substituted in whole or in part for sardines; and, Section 402 (a) (3), a portion of the article consisted in part of a decomposed substance by reason of the presence of decomposed fish.

Misbranding, Section 403 (a), the name "Sardines" and the picture of the pilchard sardine on the label of the article were false and misleading as applied to an article consisting of large sea herring; and, Section 403 (e) (2), one shipment of the article failed to bear a label containing an accurate statement of the quantity of the contents (this shipment was short-weight).

DISPOSITION: February 8 and 15 and March 3, 1949. Default decrees of condemnation. The portion of the product which was not decomposed (33 cases) was ordered delivered to a Federal institution, for the use and consumption of the inmates, and the remainder of the product was ordered destroyed.

14406. Adulteration of canned sardines. U. S. v. 27 Cases \* \* \*. (F. D. C. No. 26629. Sample No. 48155-K.)

LABEL FILED: March 2, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 21, 1948, by the Wm. H. Morse Co., from New York, N. Y.

PRODUCT: 27 cases, each containing 48 15-ounce cans, of sardines at Allentown, Pa.

LABEL, IN PART: "Ameri-Cana Brand \* \* \* California Sardines in Tomato Sauce Packed \* \* \* By Ameri-Cana Fisheries Wilmington, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), in some of the cans, mackerel had been substituted in whole or in part for sardines.

DISPOSITION: April 6, 1949. Default decree of condemnation and destruction.