The information also charged the defendant with misbranding the article in violation of the Federal Food, Drug, and Cosmetic Act, as reported in food notices of judgment published under that act.

On September 9, 1942, a plea of nolo contendere was entered and the court imposed a fine of $1,000 on each of the 2 counts and remitted $750 of each fine.

31147. Adulteration of canned mackerel. U. S. v. 10 Cases of Canned Mackerel (and 3 other seizure actions involving canned mackerel). Consent decrees of condemnation. Product ordered released under bond conditioned that portion identified by one code be destroyed. Portions ultimately delivered to State fisheries for use as fish food upon failure to comply with the terms of the decree. (F. & D. Nos. 44102 to 44105, incl. Sample No. 33987-D.)

Samples of this product were found to be in part decomposed.

On October 8 and 13, 1938, the United States attorney for the Eastern District of North Carolina filed libels against 80 cases of canned mackerel in various lots at Elkin, Wilson, Weldon, and Rocky Mount, N. C., alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by Foote Bros. & Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance. It was labeled in part: "Sunset Brand California Mackerel. Packed by Southern California Fish Corporation, Los Angeles Harbor, Calif."

On October 15 and December 11, 1940, the Southern California Fish Corporation having appeared as claimant for all lots and the seizure located at Wilson, Weldon, and Rocky Mount having been consolidated, judgments of condemnation were entered and the product was ordered released to the claimant under bond conditioned that the portion identified by a certain code be destroyed.

On August 26, 1941, the claimant having failed to comply with the terms and conditions of the consolidated decree covering the lots seized at Wilson, Weldon, and Rocky Mount; the court ordered the claimant to appear and show cause why the petition of the Government that the product be destroyed should not be allowed. On September 26, 1941, the claimant having failed to resist the petition of the Government, judgment was entered ordering destruction of the product. On November 6, 1941, this decree was amended to provide that the fish be turned over to the State Department of Conservation and Development for use as food for fish.

31148. Adulteration of canned mackerel. U. S. v. 300 Cartons of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. No. 44548. Sample No. 20357-D.)

Examination of this product showed the presence of decomposed mackerel.

On December 19, 1938, the United States attorney for the Eastern District of Louisiana filed a libel again 300 cartons of canned mackerel at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 29, 1938, by the Southern California Fish Corporation from Terminal Island, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance. The article was labeled in part: (Cans) "Sunset Brand California Mackerel."

On March 7, 1941, the case having been called and no claimant appearing, judgment of condemnation was entered and the product was ordered destroyed.

31149. Adulteration of canned strained green beans. U. S. v. 22 Cases and 128 Cases of Canned Strained Green Beans. Default decree of condemnation and destruction. (F. & D. Nos. 44952, 44953. Sample Nos. 31132-D, 41156-D, 41157-D).

This product contained extraneous material which might have rendered it injurious to health.

On March 6, 1939, the United States attorney for the District of Colorado filed a libel against 150 cases of canned strained green beans at Denver, Colo., which had been consigned by the Freemont Canning Co., alleging that the article had been shipped in interstate commerce within the period from on or about October 1, 1938, to on or about January 13, 1939, from Freemont, Mich.; and charging that it was adulterated. It was labeled in part: (Cans) "Gerber's Strained Green Beans for Babies For Convalescents For Special Diets."

On January 7, 1941, an amended libel was filed. It was alleged in the amended libel that the article was adulterated in that it contained extraneous material which might have rendered it injurious to health.