397. Adulteration of canned mackerel. U. S. v. 600 Cases of Canned Mackerel. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. D. C. No. 859. Sample No. 58310-D.)

This product was in part decomposed.

On or about November 17, 1939, the United States attorney for the Southern District of Florida filed a libel against 600 cases of canned mackerel at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by Hamilton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Calho Brand California Mackerel * * * Hamilton & Company Los Angeles California Distributors."

On November 28, 1939, Hamilton & Co. having appeared as claimant and the court having found that a portion of the product was free from decomposition and could be separated from the unfit portion, judgment of condemnation was entered, and the product was ordered released under bond conditioned in part that the decomposed portion be segregated and destroyed.

398. Adulteration of canned mackerel. U. S. v. 17 Cases of Canned Mackerel. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1276. Sample No. 66242-D.)

Examination showed the presence of decomposed mackerel.

On January 6, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 17 cases, each containing 48 cans of canned mackerel, at Winston-Salem, N. C., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by the California Marine & Curing Packing Corporation from Newport Beach, Calif.; and charging that it was adulterated. The product was labeled in part: "Calho Brand California Mackerel * * * Hamilton & Company Los Angeles California Distributors."

On March 11, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

399. Misbranding of canned fish. U. S. v. 6 Cases of White Meat Bonita. Default decree of condemnation and destruction. (F. D. C. No. 983. Sample No. 46721-D.)

This product was canned mackerel in tuna style cans. It was in interstate commerce and was labeled as white meat bonita. The declaration of weight was incorrect.

On November 15, 1939, the United States attorney for the Northern District of Illinois filed a libel against six cases of canned fish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1939, by Sun Harbor Packing Corporation from San Diego, Calif.; and charging that it was misbranded in that the statement "Net Wt. 7 Ounces" was false and misleading since it was short weight; and in that it was offered for sale under the name of another food. The article was labeled in part: "Gold Coast Brand White Meat Bonita, National Fisheries Limited, Distributors, Chicago."

On January 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

400. Adulteration of oysters. U. S. v. 199 Cans and 267 Cans of Oysters. The product being spoiled and unfit for human consumption, the court ordered its immediate destruction. (F. D. C. No. 1636. Sample Nos. 3010-E, 3011-E.)

Examination showed that this product contained added water.

On March 14, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 199 cans and 267 cans of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was.

On March 19, 1940, the article appearing to be spoiled and unfit for human consumption, immediate destruction was ordered.