On December 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

FROZEN FISH

Nos. 1272 to 1279, inclusive, report the seizure and disposition of frozen fish fillets that were in whole or in part decomposed.

1272. Adulteration of cod fillets. U. S. v. 62 Boxes of Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3351. Sample Nos. 39524–E, 39526–E.)

Examination showed the presence of decomposed fillets in this shipment.

On November 6, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 62 boxes of cod fillets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by R. O'Brien & Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1273. Adulteration of frozen flounder fillets. U. S. v. 112 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3337. Sample No. 43032–E.)

On or about November 12, 1940, the United States attorney for the Western District of Missouri filed a libel against 112 boxes of frozen fillets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Atlantic Coast Fisheries Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Atco Fresh Frozen Cello. Wrapped Flounder Fillets."

On December 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1274. Adulteration of frozen haddock. U. S. v. 482 Boxes of Frozen Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3314. Sample Nos. 20149–E, 20151–E.)

On or about October 31, 1940, the United States attorney for the Southern District of Florida filed libels against 482 boxes of frozen haddock fillets at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by Chesbro Robbins & Graham from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1275. Adulteration of red perch. U. S. v. 161 Boxes of Red Perch Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 2462. Sample No. 4402–E.)

Decomposition was found in but one lot of this product; all lots were infested with parasites.

On August 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 161 boxes of red perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 19, 1940, by Slade Gorton Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Red Perch Fillets * * * T. and J. Busalacchi, Inc., Boston, Mass. * * * Deep Sea Brand."

On September 25, 1940, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1276. Adulteration of fish. U. S. v. 100 Boxes of Red Perch and 180 Boxes of Pollack Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 3294, 3362. Sample Nos. 31848–E, 31869–E.)

On or about November 2 and 22, 1940, the United States attorney for the Northern District of Illinois filed libels against 100 boxes of red perch and 180 boxes of pollack fillets at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about September 4 and October 22, 1940, by the

Cape Ann Fisheries, Inc., from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Cape Ann Brand Pollack Fillets [or "Red Perch"]."

On December 16, 1940, and January 28, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1277. Adulteration of pollack fillets. U. S. v. 108 Boxes of Pollack Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3313. Sample No. 27466–E.)

On October 30, 1940, the United States attorney for the Southern District of Ohio filed a libel against 108 boxes of pollack fillets at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 8, 1940, by the Gloucester Fish Pier Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1278. Adulteration of frozen fillets of sole. U. S. v. 234 Cartons of Frozen Fillet of Sole. Default decree of condemnation and destruction. (F. D. C. No. 3244. Sample No. 44050–E.)

On October 19, 1940, the United States attorney for the District of Colorado filed a libel against 234 cartons of frozen fresh fillet of sole at Denver, Colo. (consigned by the Atlantic Quick Freeze Co.), alleging that the article had been shipped in interstate commerce on or about October 2, 1940, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Packages) "Four Winds Frozen Fresh Fillet of Sole * * * United Frosted Foods Inc."

On December 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1279. Adulteration of frozen whiting. U. S. v. 60 Boxes of Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3352. Sample No. 27488–E.)

On November 8, 1940, the United States attorney for the Southern District of Ohio filed a libel against 60 boxes of whiting at Norwood, Ohio (consigned September 23, 1940), alleging that the article had been shipped in interstate commerce by Gloucester Sea Foods, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Butterfly Whiting."

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FISH AND SHELLFISH

1280. Adulteration and misbranding of canned clams. U. S. v. 38 Cases of Clams. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 3287. Sample No. 36444–E.)

This product contained excessive free liquid, and the drained weight was less than that declared on the label.

On October 31, 1940, the United States attorney for the District of New Hampshire filed a libel against 38 cases of clams at Berlin, N. H., alleging that the article had been shipped in interstate commerce on or about September 12, 1940, by R. B. and C. G. Stevens, from Columbia Falls, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Jonesport Brand Fancy Clams Contents 5 Ozs. [or "Contents 10½ Ozs. Avoir."]."

The article was alleged to be adulterated in that diluted clam juice had been substituted in whole or in part for clams.

It was alleged to be misbranded in that the statements "Contents 5 Ozs." or "Contents 10½ Ozs." were false and misleading since they were not true either with respect to the drained weight or total net weight. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.