to be. It was alleged to be misbranded in that the statement "white meat tuna fish" was false and misleading; and in that it was offered for sale under the name of another food.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions after removal of the labels.

MISCELLANEOUS

1284. Adulteration of scallops. U. S. v. 96 Cans of Scallops. Default decree of condemnation and destruction. (F. D. C. No. 2514. Sample No. 32416–E.)

This product had been imported and was in interstate commerce at the time of examination, at which time it was found to be in whole or in part decomposed.

On August 9, 1940, the United States attorney for the Southern District of California filed a libel against 96 cans of scallops at Los Angeles, Calif., alleging that the article had been shipped by Elvira Martinez from Mazatlan, Sinaloa, Mexico, on or about July 27, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Lids) "Product of Mexico."

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

1285. Adulteration of fish roe. U. S. v. 56 Cans of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 1928. Sample No. 1870–E.)

Examination showed that this product was decomposed.

On May 6, 1940, the United States attorney for the District of Columbia filed a libel against 56 cans of fish roe at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 1, 1940, by T. C. Slaughter from Reedville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1286. Misbranding of sandwich spread. U. S. v. 78 Cartons and 75 Cases of Sandwich Spread. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 2011. Sample No. 13386–E.)

The labels of these products were misleading since they bore the prominent designations "Kippered * * * Tuna" and "Kippered * * * Salmon," which conveyed the impression that they consisted essentially of tuna or salmon; whereas they consisted of ground fish and other ingredients, and the misleading impression was not corrected by the less conspicuous statement "Salad Sandwich Spread" or the still less conspicuous statement "Oil, Salt, Fish, Flour Added," borne on the labels. Both products were also short weight.

On May 31, 1940, the United States attorney for the Southern District of New York filed a libel against 78 cartons of Sandwich Spread Tuna and 75 cases of Sandwich Spread Salmon at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about May 1, 1940, by the Stayton Canning Co. Cooperative from Stayton, Oreg.; and charging that they were misbranded. The articles were labeled in part: (Cans) "Kippered Salad Sandwich Spread Tuna [or "Salmon"]Gray Gull Fisheries Co. New York, N. Y. * * * Net Weight 8 Oz."

They were alleged to be misbranded in that the prominent designations "Kippered * * * Tuna" and "Kippered * * * Salmon" and other statements contained on the labels were false and misleading as applied to articles which consisted of ground fish and other ingredients. They were alleged to be misbranded further in that the statement "Net Weight 8 Oz." was false and misleading since it was not correct; and in that the articles were in package form and did not bear an accurate statement of the quantity of the contents.

On June 20, 1940, Gray Gull Fisheries Co., of New York, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the requirements of the law.