On February 24, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 on the first count and suspended sentence on the remaining three counts.

1570. Adulteration of canned salmon. U. S. v. 780 Cartons of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for destruction of unfit portion. (F. D. C. No. 3449. Sample No. 40098–E.)

Examination of this product showed the presence of decomposed fish.

On December 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 780 cartons, each containing 48 cans, of salmon at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 9, 1940, by the J. H. Whitney Co. from Seattle, Wash.; 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: "Norco Brand Pink Salmon Contents One Pound Distributed by Pacific Salmon Sales."

On January 27, 1941, North Pacific Sea Foods Co. having appeared as claimant for the property, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good portion be separated from the unfit portion and that the latter be destroyed.

1571. Adulteration and misbranding of canned tuna. U. S. v. 10 Cases and 10 Cases of Canned Tuna. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. Nos. 3185, 3186. Sample Nos. 34488–E, 34489–E.)

This product was yellow-fin tuna or some similar species of tuna and was not albacore, or white meat tuna as labeled at the time of examination. It had been shipped in interstate commerce and when so shipped was labeled in part "Fancy Tuna Fish." These labels had been removed and labels had been affixed to the cans reading in part "Martel Brand * * * White Meat Fancy DeLuxe Tuna Fish Albacore * * * Adolph Goldmark & Sons Corp. Distributors."

On or about October 15, 1940, the United States attorney for the Southern District of New York filed libels against 10 cases, each containing 48 cans, of tuna at Yonkers, N. Y., and 10 cases, each containing 48 cans, of the same product at Mount Vernon, N. Y., alleging that the article had been shipped on or about February 7, 1940, from Tawan, British North Borneo, and imported by A. H. Hansen; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that light meat tuna had been substituted wholly or in part for white meat tuna or albacore, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Fancy De Luxe Tuna Fish * * * Albacore" was false and misleading since it was not albacore or white meat tuna; and in that it was offered for sale under the name of another food.

On November 25, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a local hospital for consumption but not for sale.

1572. Misbranding of canned tuna. U. S. v. 500 Cases of Tuna. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 3172. Sample No. 34481–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found that the labels which had been on the cans at the time of shipment had been removed.

On October 11, 1940, the United States attorney for the Eastern District of New York filed a libel against 500 cases, each containing 48 cans, of tuna at Brooklyn, N. Y., alleging that the article had been shipped on or about August 17, 1939, from Zamboanga, P. I., by Sea Foods Corporation; and charging that it was misbranded.

The article was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; in that it was in package form and failed to bear an accurate statement of the quantity of contents; and in that its label failed to bear the common or usual name of the food contained in the cans.

On October 28, 1940, the Sweet Life Food Corporation, Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in compliance with the law under the supervision of the Food and Drug Administration.